PARLIAMENTARY DEBATES

(HANSARD)

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HOUSE OF COMMONS

OFFICIAL REPORT

FIRST SESSION OF THE FIFTY-FIFTH PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
SIXTIETH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 2010–2012

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10 October 2011

THE
PARLIAMENTARY DEBATES
OFFICIAL REPORT

IN THE FIRST SESSION OF THE FIFTY-FIFTH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 18 MAY 2010]

SIXTIETH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES VOLUME 533

TWENTY-FOURTH VOLUME OF SESSION 2010-2012

House of Commons

Monday 10 October 2011

The House met at half-past Two o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

DEFENCE

The Secretary of State was asked—

Security Relationships (South Asia)

1. **Greg Hands** (Chelsea and Fulham) (Con): What steps he is taking to establish security relationships in South Asia. [72899]

6. **Paul Uppal** (Wolverhampton South West) (Con): What steps he is taking to establish security relationships in South Asia. [72904]

The Secretary of State for Defence (Dr Liam Fox): First, I am sure the House will wish to join me in paying tribute to Lance Corporal Jonathan McKinlay of 1st Battalion the Rifles and Marine David Fairbrother of Kilo Company, 42 Commando Royal Marines, who were killed in Afghanistan on 14 and 19 September respectively. Our thoughts, as ever, are with their families and friends, for whom this will be an immense personal tragedy.

The south Asia region is one of the United Kingdom's highest engagement priorities, and the Ministry of Defence enjoys strong historic relationships with most countries in the region. We have developed a broad range of positive initiatives to enhance co-operation between Ministers, senior officials and military officers, and continue to work to broaden and deepen those links in support of the Government's strategic objectives.

Greg Hands: I join the Secretary of State in his tribute to the dead. May I also tell him that he has our full support, not least in deepening our security ties with south Asia? Will he use this opportunity to explain to the House his involvement in Sri Lanka?

Dr Fox: I shall be delighted to do that, especially in front of so many Members with a new interest in defence.

In 1996, when I was a Minister in the Foreign Office, I worked on what became known as the Fox agreement, which was part of the early peace talks in Sri Lanka. In recent years I have been attempting to work again for reconciliation in that country, and to encourage investment in it. As I said when I spoke there recently, there will be no future for Sri Lanka unless all citizens, whatever their gender, religion or ethnic origin, are treated in the same way and allowed to realise their full potential.

Paul Uppal: I thank my right hon. Friend for the sterling work he has done in respect of Sri Lanka. Will he elaborate on the work that he has done in relation to the Sri Lanka Development Trust, and specifically on the work that Ministers have done in that regard?

Dr Fox: As I have said, the point of involvement in Sri Lanka is to create greater stability which will contribute to stability in the region. I was particularly keen to see a mechanism for investment that could reduce some of the regulatory restrictions imposed by the Sri Lankan Government, on the basis that a proportion of the profits would go into social projects that would benefit ethnic minorities. I still hope that that project will succeed, and give it my full support.

Mr Denis MacShane (Rotherham) (Lab): Is not the general problem in south Asia as a whole the massive growth, modernisation and aggressive posturing of the Chinese military? As the Chinese launch a blue water aircraft carrier battle fleet, thanks to the Secretary of State's handling of our affairs we will have no aircraft carriers from which planes can fly for the next 10 years.

Dr Fox: For some 17 of the last 20 centuries China has been the world's biggest economy, but our thoughts tend to be forged in the period when it was not. China will emerge as a global superpower, and as an Asian superpower it has a right to a blue water capability. What we must try to keep in check is what China's intent may be, as well as the capability. Looking at the two together will give us an idea of the sort of threat that we may have to counter in the future.

Emma Reynolds (Wolverhampton North East) (Lab): I know that the Defence Secretary has a long-standing interest in Sri Lanka. Can he tell us how many times he has visited that country since becoming Defence Secretary, and how many of those visits were on official Government business?

Dr Fox: I have been there twice; I am not sure whether it was three times. One of those visits was on official Government business, when I met a number of politicians. I also took the opportunity to deliver a lecture on behalf of my friend Mrs Kadirgamar—widow of the late Lakshman Kadirgamar, who was a Tamil Foreign Minister—in which I set out what I thought was a vision that should cut across Sri Lankan politics. I believe there is a widespread view in the House that Sri Lanka needs reconciliation and an understanding of what happened at the end of the war, and that there must be transparency about who was responsible so that the country can move on to a proper process of reconciliation.

Mr James Arbuthnot (North East Hampshire) (Con): May I return my right hon. Friend to the subject of his current responsibilities? Given that Afghanistan is in south Asia, can he tell us whether he agrees or disagrees with General McChrystal's assessment of how we are doing in that country?

Dr Fox: General McChrystal's assessment was, in my view, a touch pessimistic; I think we have come a long way. He was referring to the period from 2001 onwards, and we did not make sufficient progress for a large proportion of that time. However, I would argue that since 2006, and particularly since the American surge, we have had the correct force densities to achieve what we wanted. We are now increasingly able to hold the military territory and are increasingly tactically successful, but there must be greater progress in the political and economic spaces.

Levene Review

2. **Matthew Hancock** (West Suffolk) (Con): What progress he is making in implementing the recommendations of the Levene review of defence reform. [72900]

The Secretary of State for Defence (Dr Liam Fox): Since entering office, we have made significant progress in transforming defence. The new Defence Board and the Major Projects Review Board are up and running. The Defence Infrastructure Organisation and the Defence Business Services organisation have both been established. We have appointed the first commander of the new Joint Forces Command. In addition to the specific recommendations in Lord Levene's report, we have completed the basing and reserves reviews, and, even more importantly, established a broadly affordable future defence programme. This ambitious, but achievable, programme of work is part of transformation across defence, the likes of which has not been seen in a generation.

Matthew Hancock: I commend the Secretary of State on the substantial work that he has done so far in implementing the Levene report and ask him to stick to his guns in dealing with the £38 billion hole in the budget. Has he had any word of apology from the Opposition?

Dr Fox: I think it is unreasonable for my hon. Friend to expect an apology from the Opposition as they do not yet understand what they did. They are still deficit deniers who not only fail to recognise what they did to the MOD budget, but do not yet understand what they did to the broader British economy.

Nick Smith (Blaenau Gwent) (Lab): Levene recommended strengthening financial and performance management to ensure affordability and accountability. However, the National Audit Office rated the MOD's response to the major projects report as weak, and criticised the Department for not submitting the multi-million pound costs for contract cancellations. When will Parliament receive the necessary details to be able to scrutinise these big ticket decisions?

Dr Fox: The Department will be fully audited on its equipment programme, and let me tell the hon. Gentleman one of the big differences we have made. The Defence Board is the primary decision-making body of the MOD, and we inherited a board that had 24 members and was not chaired by the Secretary of State, which in my view was an utterly absurd position to be in. We now have a Defence Board of nine, chaired by the Secretary of State and with far more vertical management structures, accountability and responsibility.

Defence Exports

3. **Caroline Nokes** (Romsey and Southampton North) (Con): What steps he is taking to promote defence exports. [72901]

The Parliamentary Under-Secretary of State for Defence (Mr Gerald Howarth): Ministers and officials from across the Government continue actively to promote British defence exports overseas, led by the Prime Minister and my right hon. Friend the Secretary of State for Defence. Last month the UK hosted the defence and security equipment exhibition, which served to showcase the best of the UK's defence and security industries, and was attended by me and my ministerial colleagues. The exhibition—*[Interruption.]* Hold it. The exhibition afforded us the valuable opportunity of meeting overseas delegations and British and overseas companies.

Caroline Nokes: I thank the Minister for that response, and particularly for drawing attention to an exhibition at which companies from my constituency were exhibiting. Will he join me in congratulating Britain's defence industry, which remains the second largest exporter in the world and employs more than 300,000 people in the UK, and can he confirm whether the coalition's policies on defence exports have seen any change compared with those of the previous Government?

Mr Howarth: I thank my hon. Friend for that very challenging question, because this Government have a great deal to be proud of, and one thing we have brought to the business of promoting defence exports is enthusiasm for helping our friends and allies to protect themselves in what is a very dangerous world. I am delighted to be able to tell my hon. Friend that in the past year the UK's share of the defence export market has increased by 4%, which is no mean feat.

John Woodcock (Barrow and Furness) (Lab/Co-op): If the Minister is being so enthusiastic and it is all going so well, can he tell the House why British Aerospace has been forced to cut 3,000 jobs across the north-west and Yorkshire, citing the failure of exports as one of the principal reasons for its decision?

Mr Howarth: BAE Systems did not actually cite exports as being one of the problems. What it cited was the fact that it is a multinational company operating in a number of markets where there is pressure on the budgets—its principal market is the United States of America. It may have escaped the hon. Gentleman's attention, but the US is looking to make defence cuts of $1,000 billion over the next 10 years, and that is affecting us all. However, the good news is that the fact that the US has to make savings means that it may well be more receptive to the sort of products made in his constituency and in others across the United Kingdom.

Mr David Davis (Haltemprice and Howden) (Con): The Minister is doing an excellent job of promoting British defence exports. The purpose of a defence export Minister is to promote exports so that our industry will be reinforced and strengthened, thereby helping to defend the country. He will know that, as part of its strategy, BAE Systems intends to sell 350 to 500 Hawks to the USA, not one of which will be built in Britain, and that the company is, at the same time, closing a factory in my constituency, costing 900 jobs. Does he think that that is consistent with the Government's strategy of trying to defend the British defence industry?

Mr Howarth: I was very grateful to my right hon. Friend for bringing the trade unionists representing workers at both Brough and Warton to see me at the Conservative party conference in Manchester the other day. I will tell the House what I told them, which is that we believe that the Hawk is a fantastic, proven training aircraft—I have had the privilege of flying it recently. As he knows, the new T2 has the most sophisticated onboard air-combat simulator. The company and I are working very hard, along with my ministerial colleagues, to impress on the United States that it already operates the T-45 Goshawk, much of which came from Brough, and I hope that it will be able to buy the Hawk. Although the aircraft is unlikely, in serial numbers, to be built in the United Kingdom, the company hopes that there will be real prospects along the whole supply chain for British industry.

Mr Russell Brown (Dumfries and Galloway) (Lab): I am sure the Minister recognises that one of our best engineering manufacturing sectors, which is world-leading as well as cutting edge, is the defence sector. Obviously, that brings with it the potential rewards of defence exports. Will he give a commitment that ongoing investment in research and technology will be linked closely to the scope to promote exports?

Mr Howarth: Exportability is a key component of all our procurement decisions; we are trying to build in exportability, not only to generate revenue, but to reduce the unit costs of the equipment to our armed forces. I can also tell the hon. Gentleman that we would not be having to make some of the difficult decisions that we are having to make had it not been for the destruction of the public finances by the previous Prime Minister and the shadow Secretary of State for Defence. If they had not destroyed the public finances of the United Kingdom, my right hon. Friend the Secretary of State would not have had to make the difficult decisions that he has had to make.

Defence Contracts (SMEs)

4. **Andrew Stephenson** (Pendle) (Con): What progress he has made on increasing the number of small and medium-sized enterprises bidding for defence contracts. [72902]

The Parliamentary Under-Secretary of State for Defence (Peter Luff): This Government value the flexibility, responsiveness and innovation that SMEs bring to defence, which is why we are taking a number of actions to make it easier for them to participate in defence programmes, both as direct suppliers and as subcontractors. We are simplifying our bidding and contracting processes to make them easier for SMEs. I now chair an SME forum for representatives of small businesses, so that they can better understand and respond to the particular issues they face in doing business with the defence community. We will also set out a number of more specific measures in the White Paper that we will publish later in the year on equipment, security and technology.

Andrew Stephenson: I thank the Minister for that answer. I recently met Stephen Shepherd of S Dawes Weaving and Chris Blackadder of Howorths Textiles—both are manufacturers in Nelson, in my constituency. Those SMEs are interested in bidding for more work from the MOD. I would be grateful if the Minister could offer them and other SMEs in my area any advice on bidding for and winning more contracts.

Peter Luff: I am happy to reassure my hon. Friend, and Mr Shepherd and Mr Blackadder, that we have a cunning plan to help SMEs, as I hope my original answer suggested. For example, we are revising our internal guidance to ensure that SMEs are not rejected at the pre-qualification stage on the basis of rigid turnover-to-contract value ratios. I would be very happy to arrange for Mr Shepherd and Mr Blackadder to meet departmental officials to ensure that they are fully informed of the opportunities they now have.

Tom Greatrex (Rutherglen and Hamilton West) (Lab/Co-op): In answer to a question I tabled in June, the Minister suggested that only about 50 of some 6,000 new contracts placed directly by the MOD in 2010-11 across the UK are known to have been awarded to Scottish-based SMEs. Given that that is based on an estimate, does he not agree that it is unacceptable that the MOD does not have the actual figures so that we can scrutinise the amount of work going to SMEs and, at the same time, end some of the myths promoted by the separatists?

Peter Luff: I sort of agree with that question and I sort of do not. I do not think that it is our job to keep careful records of exactly which SMEs get which business, but it is part of our job to ensure that Scotland shares fully in the benefits of defence expenditure. I get very surprised when the Scottish nationalists frequently represent Scotland as in some sense losing out, which the hon. Gentleman alluded to in his question. That is simply not the case. I have visited Scotland on many occasions over the past few months and seen the massive footprint of defence in Scotland and the massive contribution made to employment and jobs, all of which will be at risk in an independent Scotland.

Gordon Birtwistle (Burnley) (LD): Westland helicopters has a licensing agreement with Boeing to build Chinook helicopters. Why was the order for 14 new Chinooks worth £1 billion given direct to Boeing rather than the licensing agreement being used to give the order to Westland so that it could take on half the work?

Peter Luff: I think it is stretching a point a bit to define AgustaWestland as an SME, but nevertheless I am happy to confirm that I happen to have in front of me the previous Government's defence industrial strategy, which says of AgustaWestland that it is important to understand that AgustaWestland's role is

> "neither predefined nor guaranteed, but dependent on their performance and the value for money of their propositions."

Our position is very similar and I am happy to be able to confirm to my hon. Friend that the contract we have for the construction of the new Chinook helicopters will lead to some £350 million-worth of work flowing to the British supply chain, which—

Mr Speaker: Order. We are extremely grateful to the Minister, but we need to move on.

Angus Robertson (Moray) (SNP): Last week, in a written answer, the Minister confirmed that the MOD's estimate for the number of contracts issued in the last financial year was 2,370 in England but only 50 in Scotland. Does he believe that that is fair and equitable?

Peter Luff: I do not know about you, Mr Speaker, but I am a half-full man, and the Scottish nationalists seem to be talking about half-empty glasses. I think the hon. Gentleman is quoting extremely selectively from the answer I gave him and, for what it is worth, I share his disappointment about the SME performance. I do not believe the figures or trust them, because they are extraordinarily low. I have seen the vibrancy of the Scottish defence sector for myself on a number of visits and I believe that the share of business is much higher. I invite the hon. Gentleman to abandon his ludicrous plans for an independent Scotland and join me in building a still more robust defence industrial base in Scotland rather than talking it down all the time.

Mark Lancaster (Milton Keynes North) (Con): I congratulate the Minister on the steps he is taking to encourage more SMEs to bid. One criticism we often hear from SMEs is that they are lured into bidding for contracts, only to lose out to much larger firms at the last round with little or no feedback from the MOD. May I encourage the Minister to ensure that in such cases SMEs get full feedback on why their bids have failed?

Peter Luff: I absolutely agree with my hon. Friend, who makes a very powerful point. If any hon. Member has an example of an SME receiving inadequate feedback from my Department, I want to hear about it. SMEs deserve full feedback. They have an awful lot that they can bring to defence; their innovation and the cost savings they can offer are extremely important and they must be told why they have failed when they do fail.

Comprehensive Spending Review

5. **Ian Austin** (Dudley North) (Lab): What assessment he has made of the adequacy of his Department's budget during the comprehensive spending review period; and if he will make a statement. [72903]

The Secretary of State for Defence (Dr Liam Fox): On 18 July 2011, I announced that the defence budget is now broadly in balance over the decade and adequate to enable the Department to fulfil its objectives, including success in Afghanistan and Libya, delivery of the Future Force 2020 and the major process of transformation that follows the strategic defence and security review.

Ian Austin: Men and women in the west midlands have always made a huge contribution to the armed forces, not least at MOD Donnington, which provides a first-class logistics service, ensuring that forces get the right kit in the right place at the right time. Will the Secretary of State assure the House that he will use those resources to ensure that the logistics commodity services site at Donnington is retained as the main logistics site for the MOD, safeguarding the 2,000 jobs that depend on it, and will he meet representatives of the work force to discuss this issue?

Dr Fox: I and any of my ministerial colleagues will be very happy to meet the hon. Gentleman to discuss the issue. We are keen to retain as much of the defence infrastructure, naturally, as possible within the constraints we are set given the budgetary position in which the Department finds itself. First, may I pay tribute to the excellent logistics the hon. Gentleman has described? We will do what we can to retain what we can.

Mr Julian Brazier (Canterbury) (Con): One of the really excellent initiatives that my right hon. Friend has pressed for to make capacity in defence affordable is the decision to move various elements towards the reserves. May I ask when we can expect a full response to the reserves review? He has already given a very positive preliminary response.

Dr Fox: I would like to be able to do it before Christmas, but, as my hon. Friend will understand, there is a lot of very detailed work to be undertaken. Perhaps the biggest challenge is the fact that we are pouring £400 million into the reserves over this Parliament—an unprecedented amount to put into that organisation, which was very badly run down by the previous Government. There will be challenges in absorbing that amount of money and, of course, the rate at which we are able to build up the reserves will determine the rate at which we are able to change the ratio with the regulars.

Gemma Doyle (West Dunbartonshire) (Lab/Co-op): The Government have used the issue of cost as the main reason they are scrapping the office of the chief coroner. This is a Justice lead, but it affects fallen servicemen and women and their bereaved families. The Royal British Legion has submitted a compromise proposal in which it outlines reforms that could be made to the coronial system at a much lower cost than the Government estimate. Has the Secretary of State reviewed this proposal and does he support it?

Dr Fox: I have had conversations with ministerial colleagues over this and although I am broadly sympathetic to some of the changes outlined, the hon. Lady is right that this is a Justice lead. For her to say that the Government simply use cost as a means of having to make reductions is, again, not to understand what it is to inherit a budget with a £38 billion black hole. Of course we have to learn to live within our means, and we do not yet know from the Opposition what their budget would be and which parts of the SDSR they accept and do not accept. In fact, we hear very little from them except negative criticism. It seems they have nothing constructive at all to say on the matter.

Medical Care

7. **Derek Twigg** (Halton) (Lab): What recent discussions he has had on the medical care of wounded service personnel and veterans. [72905]

The Parliamentary Under-Secretary of State for Defence (Mr Andrew Robathan): Given the importance that the whole Government, and especially my right hon. Friend the Secretary of State for Defence, place on this issue, both he and I have numerous discussions with ministerial colleagues and others across the Department, Government and the community and voluntary sector on a regular basis.

Derek Twigg: I thank the Minister for his answer. He will be aware of the concerns expressed by families recently about the care for seriously wounded and injured service personnel who will have to be discharged from the armed forces because of their injuries—including about their care in the NHS thereafter. What mechanisms have he and his colleagues put in place to ensure that those service personnel get the same standard of care as that provided currently by Defence Medical Services?

Mr Robathan: I think the hon. Gentleman and I would agree a great deal about this. We are extremely concerned about the future of many badly injured service personnel when they leave the armed forces, and that is why we have put in place a transition protocol. It is also why I often have meetings with Ministers in the Department of Health—indeed my next one is on Wednesday—to discuss how, going forward, we can better serve those who are badly injured. I beg your indulgence, Mr Speaker, but the hon. Gentleman will know of the Army recovery capability that was put in place by the previous Administration, which is similarly helping very badly injured people to go forward with their lives in future.

Bob Stewart (Beckenham) (Con): The question I was about to ask was properly asked by the hon. Member for Halton (Derek Twigg), so I shall sit down.

Mr Speaker: The hon. Gentleman is setting an example that others could usefully follow.

Dan Byles (North Warwickshire) (Con): Effective medical support is essential to any operation, so will the Minister join me in wishing 22 Field Hospital a successful forthcoming tour of Afghanistan, particularly as some 30 servicemen and women from 22 Field Hospital are in the Public Gallery watching these proceedings?

Mr Robathan: I certainly join my hon. Friend in wishing 22 Field Hospital a good tour. May I say to any Member of the House on either side who has seen the excellent work done by our medical personnel—both regular and reservist—out in Bastion and elsewhere that we should be very grateful to them for the hard work they do? Many reservists give up several months of their time to help our armed forces.

Mr Kevan Jones (North Durham) (Lab): The right hon. Gentleman has said that the Government are committed to the Army recovery capability introduced by the last Labour Government. A key element of that was the tracking of personnel in the health service once they had left the armed forces. Is that still part of the programme, and if so, when will the deadlines for implementation be met?

Mr Robathan: The hon. Gentleman rightly says that we are pursuing the policy of the last Government, because on this occasion it was quite right. We are indeed tracking personnel. I am afraid that this is a work in progress, but I will ensure that he receives an update when there is something to update him on.

Bob Russell (Colchester) (LD): The right hon. Gentleman will be aware of the close collaboration between the Ministry of Defence and the NHS in dealing with traumatic injuries through the joint unit. Bearing in mind that the NHS does not provide the same level of care for our wounded military personnel, is there not a case for the NHS and the MOD setting up a joint unit to deal with ongoing treatment?

Mr Robathan: The hon. Gentleman is quite right. The question of how the transition protocol works is very important, particularly when it comes to health issues. We already have a national centre in Birmingham—

the Queen Elizabeth hospital—and I was at the opening in January; it deals with trauma in particular. We are going forward with the Department of Health to ensure that proper treatment is available. We will announce a report on prosthetics shortly, because we must make proper treatment available for people who are injured in the service of their country, and who suffer throughout their lives as a result.

Training and Support (Armed Forces)

8. **Kevin Brennan** (Cardiff West) (Lab): What assessment he has made of the co-operation on training and support of British armed forces with armed forces in the middle east and north Africa; and if he will make a statement. [72906]

The Minister for the Armed Forces (Nick Harvey): Defence engagement has a long and continuing role in contributing to wider UK regional objectives through programmes of world-class training and education. Our relationship with many countries includes work on counter-terrorism that is important to the security of the United Kingdom. That engagement creates lasting relationships with our armed forces and enhances our ability to work together towards regional security and stability.

Kevin Brennan: Have British armed forces played any role in the training of forces involved in repression in Saudi Arabia or Bahrain?

Nick Harvey: We do not believe so, but we have trained staff over a period of years in those countries, and it is impossible to say with any certainty what they have subsequently gone on to do. When engaging in training programmes, we do our utmost to spread British principles and approaches to military activity, and have done so for many years, in the hope that that will rub off on the countries we are training.

Patrick Mercer (Newark) (Con): Having been involved in a very similar training team, albeit some time ago, I can confirm the value of such training teams, but the weight and burden of those teams falls heavily on the combat arms. Can the Minister reassure the House that cuts in personnel will take into account the need to maintain our combat power for training roles such as those under discussion?

Nick Harvey: My hon. Friend makes a good point. Obviously, as numbers contract, the demands put on all our personnel are difficult to balance, but the work to which he alludes, and to which he has given his time in the past, is very important for all the reasons that I have specified, and we will ensure that that is taken into account in deciding force numbers.

Mr Jim Murphy (East Renfrewshire) (Lab): I join in the Secretary of State's earlier condolences to the relatives of those who have lost their lives in Afghanistan. The whole House will be in awe of the remarkable professionalism of our forces, and all that they have achieved in Libya as part of a wider coalition, so will the Minister for the Armed Forces update the House on progress in persuading other allies who are less involved in the fighting to bear more of the burden in helping to train and stabilise the country?

Nick Harvey: The shadow Secretary of State makes a very good point, and that is certainly something we would want to see as we go forward. There are countries that we hoped would have played a more active part in the engagement in Libya, and we very much hope that they will bear more of the responsibility. It is too early yet to have any particular international agreements in place, but he can rest assured that work is in progress towards the objective that he identified.

Eurofighter Typhoon

9. **Margot James** (Stourbridge) (Con): What recent assessment he has made of the export prospects for the Eurofighter Typhoon. [72907]

The Parliamentary Under-Secretary of State for Defence (Peter Luff): Typhoon has already been exported to Saudi Arabia and Austria, where it is in operational service. It is also competing in a number of other important markets. Oman has announced its intention to buy Typhoon, and India has selected it for the final phase of its medium multi-role combat aircraft competition. It is also competing in a number of other countries, including Japan, Malaysia and Qatar.

I confidently expect an increase in interest in Typhoon, following its highly successful air defence and ground attack roles over Libya, in which it has consistently demonstrated exceptional levels of reliability, performance, accuracy, and overall cost-effectiveness over and above our very high expectations.

Margot James: I thank my hon. Friend for his answer. Does he agree that Typhoon's success is down to UK leadership in the design and manufacture of world-class aircraft and that Government support is needed, not just to maximise export potential but to defend this vital national interest?

Peter Luff: On the question of supporting exports, I know the close interest that my hon. Friend takes in Japan, particularly through her role in the UK-Japan 21st century group. I am happy to reassure her of the close interest that I personally have taken in the export campaign to Japan, which I visited in April, where I discussed Typhoon with many Japanese interlocutors. I am hopeful of a successful outcome. She is absolutely right, too, to emphasise the importance of the underlying design skills and technology—for example, our strong support for Europe's first second-generation active electronically scanned radar will be key to our success in these export campaigns.

Alison Seabeck (Plymouth, Moor View) (Lab): Ministers talk rather too often about buying off the peg from our international partners, including the USA which, we understand, is struggling at the moment, too. Should Ministers not seek to enhance sales, encourage value for money from British companies and ensure that we retain jobs and skills in the UK? Perhaps the Minister can tell the House whether, given the fall in international demand for top-quality British goods such as the Typhoon and subsequent job losses, he intends to ensure that such phrases are not used in future and that orders go to the UK first.

Peter Luff: I welcome the hon. Lady to her new position and, as it is her first outing, I will be relatively kind in my response to her. *[Interruption.]* I have to say that I have read with considerable interest her party's defence review procurement document, which advocates a similar policy in relation to off-the-shelf and modified off-the-shelf, so she should read what her own party is suggesting before criticising us. As for her comment that demand for Typhoon is falling, it is true that the four partner nations are stretching out production, but demand is rising fast around the globe, and I am confident that Ministers have a strong commitment to their export diaries, which will lead—

Mr Speaker: Order. We need to move on; I am grateful to the Minister. *[Interruption.]* Order. The Minister's answers are simply too long—we need to make progress.

Mr Ben Wallace (Wyre and Preston North) (Con): I am grateful for the efforts that the Defence Secretary and his team have made to try to export Typhoon and secure jobs for my constituents in Lancashire at Samlesbury and Warton. However, should the British Government be successful in helping to win those orders abroad, what guarantees can we try to secure from BAE that this is good news for work in Lancashire, and not just good news for BAE shareholders?

Peter Luff: I think that it is guaranteed that it will be good news for Lancashire. Of course, the precise composition of the bids is a matter for the company, but I think that it understands the importance of protecting its design skills in my hon. Friend's constituency, for which he speaks up vigorously and effectively in the House.

Military Equipment

11. **Steve McCabe** (Birmingham, Selly Oak) (Lab): What procedures exist to ensure that British military equipment used in operations abroad does not fall into the hands of others. [72909]

The Minister for the Armed Forces (Nick Harvey): Robust accounting and security measures exist to prevent the loss of equipment through theft. In the rare event that equipment is damaged and cannot be recovered because of a risk to life or likely loss of further equipment, it is destroyed to prevent it from being used by others.

Steve McCabe: I thank the Minister. In the light of his response, can he say anything more about the announcement at the weekend of a £1 million fund to stop weapons proliferation in Libya? Does that fall within his domain, and exactly what is that money going to be used for?

Nick Harvey: The concerns that we have in Libya do not relate to our own equipment that our troops have used, but relate to a proliferation of equipment that we believe may now be at large in Libya, much of it having been previously held by the Gaddafi regime. It is in the interests of everyone around the globe that that situation is contained and controlled as quickly as possible, and we have sent personnel out to assist the new Government in Libya in getting those munitions under control.

Andrew Bridgen (North West Leicestershire) (Con): Does my right hon. Friend agree that the report by the Select Committee on Defence on the handling of assets by the Ministry of Defence in 2009-10 is another damning indictment of the mismanagement of the MOD under the previous Government?

Nick Harvey: It is true that there has been a problem with inventories and accounting for equipment. Audit processes have identified that, on occasions, that has been a matter of misclassification of items. The situation in practice is probably less gloomy than it sometimes looks in reports.

Mr Speaker: Mr Michael Connarty—not here.

Defence Exports

13. **Tom Brake** (Carshalton and Wallington) (LD): What steps he is taking to ensure that any increase in the level of defence exports is transparent. [72911]

19. **Dr Julian Huppert** (Cambridge) (LD): What steps he is taking to ensure that any increase in the level of defence exports is transparent. [72917]

The Minister for the Armed Forces (Nick Harvey): The UK has one of the most rigorous and transparent export control systems in the world. All applications to export controlled military goods are assessed against the consolidated EU and national arms export licensing criteria, and decisions are published in the quarterly reports on strategic export controls. Following the Arab spring, the Foreign Secretary undertook a review of export licensing for equipment that might be used for internal repression. That concluded

> "that there was no evidence of any misuse of controlled military goods exported from the United Kingdom." —[*Official Report*, 18 July 2011; Vol. 531, c. 79WS.]

Tom Brake: In July the Foreign Secretary said that more work needed to be done between the Foreign and Commonwealth Office and the Department for Business, Innovation and Skills to strengthen certain aspects of UK arms control. There is an even greater urgency for this work to be done following reports today of an investigation into a EADS Saudi defence contract. Can the Minister set out what work has been done on transparency and UK arms control and how, with a policy of providing weapons to any willing country, he will ensure that those weapons do not fall into the wrong hands?

Nick Harvey: Every export licensing application is considered on a case-by-case basis against our strict export controls. In terms of transparency, detailed information on our export policy is on the Foreign Office website. Information on decisions by destination is listed on the BIS website, and the licensing criteria are also published. My right hon. Friend is right to say that further work is ongoing between the Department for Business, Innovation and Skills and the Foreign Office, and they are at present working out how that will be taken forward.

Dr Huppert: The Minister is, I am sure, aware of the number of cases in which there have been allegations that defence exports have ended up with people whom we would not want to have them and used for purposes that we would not want to see. He will also be aware that there are a number of cases of defence lobbyists acting in a shady and disreputable manner. Will he consider taking further steps to ensure transparency in who gets the weapons, what checks there are and how lobbyists operate?

Nick Harvey: The Government are committed to a thriving British defence and security industry because it is vital for our economy. It is worth more than £6 billion a year to the economy, but we will maintain strict export controls. We promote defence exports that are consistent with the criteria, because that strengthens British influence and helps support British industry and jobs.

Chris Bryant (Rhondda) (Lab): We all want a strong defence industry, but we also want a responsible one, which is why I am proud of the fact that it was a Labour Government who abolished the manufacture, use and sale of cluster munitions in this country. The protocol also places an obligation on us to try to make sure that other countries, including our allies, are no longer using cluster munitions, because all too often such use means that many civilians are killed or maimed many years afterwards. What are the Government doing now to make sure that the Americans stop using cluster munitions?

Nick Harvey: I very much agree with the hon. Gentleman's comments; I, too, was a campaigner on that issue. I am very pleased that the UK duly signed up to that, but clearly our ability to control the US is no greater now than it was at the time of the convention. We will continue to apply pressure on the Americans, but we need to be realistic about the likelihood of their changing their policy.

Ian Lucas (Wrexham) (Lab): What discussions has the Minister had with our European partners to ensure that when a licence is refused by the United Kingdom, similar steps are taken by our European partners and they do not take advantage of our progressive approach to export licensing abroad?

Nick Harvey: That is a good question. I will check what sharing of information we have with our EU allies when we turn down an application, and I will write to the hon. Gentleman in due course.

Libya

14. **Simon Hughes** (Bermondsey and Old Southwark) (LD): What meetings he has had with his ministerial colleagues on the stabilisation of Libya. [72912]

17. **Mr Philip Hollobone** (Kettering) (Con): What discussions he has had with his ministerial colleagues on recovering from the national transitional council in Libya any of the costs to his Department of the deployment of armed forces to that country. [72915]

The Secretary of State for Defence (Dr Liam Fox): The National Security Council, chaired by the Prime Minister and attended by myself and other ministerial colleagues, meets regularly to discuss the ongoing operations in Libya, including stabilisation. In terms of recovering the costs of operations in Libya from the national transitional council, NATO's intervention in Libya under a clear UN mandate has saved countless lives and is helping to bring new hope to a country that has suffered tyrannical rule for 42 years, but the UK did not play a leading role in this action for financial return.

Simon Hughes: Given the extended nature of the Libyan conflict, the tribal nature of the country and the experience in Iraq, will the Defence Secretary assure me that maximum attention will be given to conflict prevention and conflict resolution issues from now onwards, so that we do not have a recurrence of victory followed by great difficulties thereafter?

Dr Fox: That is a key question. I visited Libya at the weekend. The right hon. Gentleman mentioned Iraq, but Libya has three big advantages coming out of this conflict compared with Iraq. First, we were careful not to cause civilian deaths, which has given the impression that we value human life higher; secondly, we did not target civilian infrastructure, so it is likely that the country will be able to move much more quickly to economic recovery; and thirdly we encouraged the NTC not to engage in a process similar to de-Ba'athification. I therefore find Libya in a much better place than Iraq was.

Mr Hollobone: Given that the cost of our involvement in Libya is about £260 million and rising, at the same time as we have the biggest budget deficit in the G20, should we not be asking Libya and/or the Arab League to repay the cost, just as the Kuwaitis did after the first Gulf war?

Dr Fox: As I said, we went into Libya not on the basis of recovering the costs, but because we believed there to be an imminent humanitarian disaster. Mindful of such disasters in previous generations, we can be proud that we averted this one. How costs are apportioned and whether other countries can help with those wider costs can be discussed, but only after the conflict has been concluded, which it has not yet been.

Mr Speaker: On question 14, I call Mr John Spellar.

Mr John Spellar (Warley) (Lab): No. 15, Mr Speaker.

Mr Speaker: I do not think that the right hon. Gentleman has quite taken my hint, but I am sure that he can ask his question under this one with great dexterity.

Mr Spellar: Is there not great concern in Libya about the future of the surface-to-air missiles? When I asked the Minister for the Armed Forces about this back in June, he said:

> "We continue to assess the situation in Libya closely, including the potential proliferation of man-portable anti-aircraft missiles."—[*Official Report*, 28 June 2011; Vol. 530, c. 672W.]

From his answer earlier, he does not seem to have been doing a great deal. This is a major threat and we need some evidence of urgency and some results.

Dr Fox: This is one of the issues that I discussed at the weekend. The right hon. Gentleman is right that it is an urgent matter. We have provided a small team of UK military specialists to work alongside the Libyans and the United States in preventing surface-to-air missile proliferation. We have already disarmed a number of these missiles and identified a large number of sites where further activity will take place.

Topical Questions

T1. [72924] **John Robertson** (Glasgow North West) (Lab): If he will make a statement on his departmental responsibilities.

The Secretary of State for Defence (Dr Liam Fox): My departmental responsibilities are to ensure that our country is properly defended now and in the future, that our service personnel have the right equipment and training to allow them to succeed in the military tasks and that we honour our armed forces covenant.

John Robertson: Does the Secretary of State agree with his junior Minister, the Under-Secretary of State for Defence, the hon. Member for Aldershot (Mr Howarth), that brave Gurkha veterans should be described as asylum seekers, or does he agree with the Gurkha justice campaign that these comments are shocking and unacceptable—or is the cat out of the bag on immigration and defence cuts?

Dr Fox: I am afraid that the hon. Gentleman has done a grave disservice to my hon. Friend, who never used any such words and has the highest regard for all those sacrifices made in the past.

T2. [72925] **Andrew Stephenson** (Pendle) (Con): Many small and medium enterprises in Pendle are keen to know when the yellow book review will be completed. Is the Minister in a position to update the House on progress?

The Parliamentary Under-Secretary of State for Defence (Peter Luff): I am delighted to be able to do precisely that; it was published a few hours ago. [HON. MEMBERS: "Read it out!"] It runs to more than 100 pages, so I think that I would be in trouble with the Speaker if I did that. Section 4 is specifically about SMEs. I invite the whole House to pay careful attention to this important document and to take part in the consultation on it.

Mr Jim Murphy (East Renfrewshire) (Lab): May I say how much I agree with the Secretary of State when he says that we cannot allow the unpopularity of the Iraq conflict in many quarters to prevent us from standing up for what we believe in in other countries around the world? That is why there remains consensus across parties about the action in Libya and Afghanistan. However, now that there is a timetable for the drawdown of our combat role in Afghanistan, can he update the House on how much longer he anticipates Her Majesty's forces remaining engaged in Libya?

Dr Fox: We have set out, in accordance with the plans President Karzai himself has set out, that we do not plan to have a combat role in Afghanistan beyond the end of 2014. The big question now is what we do beyond 2014 and what signals we send to Afghanistan and Pakistan about our determination to provide regional stability. We have already said that we will take charge of the officer training academy and are encouraging other countries to do the same. I anticipate that there will be a role for special forces and mentoring and training as well as what I have set out. That is one of the issues we discussed at the NATO summit last week, and we will set out further details at the Chicago summit in May.

T4. [72927] **Dr Julian Lewis** (New Forest East) (Con): Given the great pressure on MOD finances, has my right hon. Friend considered following the example of the shadow Defence team by accepting very substantial sponsorship from generous British defence companies, such as Cellcrypt?

Dr Fox: No.

T3. [72926] **Robert Flello** (Stoke-on-Trent South) (Lab): The Royal British Legion has said that the creation of the chief coroner

> "is essential to improving bereaved Armed Forces families' experience of military inquests"

and that Government proposals will

> "fail to meet the needs of bereaved Armed Forces families."

The Secretary of State's rant about his budget shows that he has not read the Royal British Legion's proposals, so will he, in the quiet moments that I am sure will follow later this afternoon, take the time to explain to the Cabinet Office and the Ministry of Justice that failing to introduce a chief coroner will be a betrayal of our brave military personnel?

The Parliamentary Under-Secretary of State for Defence (Mr Andrew Robathan): As I thought had been made pretty plain earlier, this is a matter for the Ministry of Justice, not the Ministry of Defence. However, I hope that everyone in the House would agree that the important thing is that well-trained coroners do a good job in their inquests on deceased service personnel. That is what we are working to achieve, and I know that the Ministry of Justice is determined that that shall happen.

T8. [72931] **Anna Soubry** (Broxtowe) (Con): Members of the armed forces often have to move very quickly and with short notice, which can affect the education of their children, particular if it happens when school has already started. Will the Minister therefore congratulate the George Spencer academy in my constituency, which intends to change its policy so that priority is given to such children, especially those moving to the Chetwynd barracks, which is also in my constituency?

Mr Robathan: I certainly join my hon. Friend in congratulating that school. She will know that admissions codes can now allow favourable treatment for children of service personnel, and we must not forget that the Department for Education has introduced the pupil premium, which will also benefit service children. We have also put £3 million forward to assist schools that have a disproportionate number of service children when they have problems. In general, though, service children do rather better in education than other children.

T5. [72928] **Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): Is the Secretary of State aware that the future of high science, research, innovation and design in our country very much depends on a fine balance among the defence industries, universities and the private sector? Many of us believe that that is now at risk because of failing demand from the defence sector.

Peter Luff: I am very sorry indeed that the previous Government introduced such massive cuts to the defence science budget, which did great harm to the issues that the hon. Gentleman is rightly concerned about. I can reassure him that the defence White Paper on equipment, support and technology, which will be published later this year, will address these issues very seriously, because he is right to draw the House's attention to this very important question.

Mary Macleod (Brentford and Isleworth) (Con): I recently visited the Brentford air cadets, squadron 342, in my constituency and was really impressed by the training that the young people are given in respect, discipline and community responsibility. What more can we do to encourage more young people to get involved in the cadets?

Mr Robathan: I am grateful to my hon. Friend for that question, because I, too, absolutely support the cadet forces. They do fantastic work that is very much in tune with the Government's policy of the national citizen service. They keep children off the streets and give them excellent training and discipline, which I think we all applaud. We also have the youth engagement review, but I will brief her on that later if she would like, because you, Mr Speaker, would stop me if I went on too long now.

T6. [72929] **Kerry McCarthy** (Bristol East) (Lab): The Secretary of State and I have a considerable number of constituents who work at the MOD's Abbey Wood site in Filton. There is real uncertainty there at the moment about how many jobs will be lost, what new work will be sent there and what work will be lost. Could he give some certainty to the people working at the plant about the future of their jobs?

Peter Luff: I make regular visits to the Filton Abbey Wood site, as the hon. Lady knows, to discuss those issues with the staff, and I appreciate the concern that they face. The chief of defence matériel, Bernard Gray, is currently conducting a full review of matériel strategy and how the organisation will be structured in future, and I hope that its outcome will give precisely the certainty that she rightly seeks for her constituents.

Alun Cairns (Vale of Glamorgan) (Con): I congratulate the Secretary of State on the leadership that he has shown on Libya. What action is he taking with his Libyan counterparts to help prevent the risk of insurgent activity, in preparation for the national transitional council taking complete control?

Dr Fox: The first thing that we require is an end to hostilities; then we require disarmament and the militia's incorporation into national forces; and then we require the formation of a Government as soon as possible—a Government who include all elements of Libya's geography and ethnic make-up and are cross-generational.

T9. [72932] **Tom Greatrex** (Rutherglen and Hamilton West) (Lab/Co-op): The Under-Secretary of State for Defence, the hon. Member for Aldershot (Mr Howarth), waxed lyrical in earlier answers about his support for small and medium-sized businesses and for SME exports, so why are his Government forcing them to bear more of the cost of showcasing their equipment throughout the world?

The Parliamentary Under-Secretary of State for Defence (Mr Gerald Howarth): We are not imposing additional burdens on industry, but clearly we have to take into account the costs of supporting it in these difficult times and in view of the economic inheritance that we were bequeathed by the last lot.

Bob Russell (Colchester) (LD): What future does the Secretary of State envisage for the Ministry of Defence police?

Mr Robathan: The Ministry of Defence police are, sadly, as everybody else is, touched by the strategic defence and security review because of the £38 billion black hole that we were left, but I envisage a future for the Ministry of Defence police—providing security for our service personnel and their families—and I visited them in Portsmouth dockyard only last month.

Mr Bob Ainsworth (Coventry North East) (Lab): The future of European security will be enhanced by military capability, interoperability and co-operation; it will not be enhanced by an unnecessary duplication of military headquarters. What more can we do to convince our European colleagues that that is not a sensible proposal, particularly at a time when defence budgets are falling across the continent?

Dr Fox: The Government oppose, and I have always very strongly opposed, any concept of an EU military headquarters—and we will continue to do so, whether any proposal is made up-front or attempted with permanent structured co-operation through the Lisbon treaty. NATO is the cornerstone of defence in Europe, and it shall continue to be so, because it brings the United States into the defence of Europe. Such a concept would be a diversion, as the right hon. Gentleman says, and a dilution of scarce resources; it would not produce one bullet, one battle tank or one aircraft; it would be pretentious; and it would be bureaucratic—none of which commends it to me.

Richard Graham (Gloucester) (Con): The Ministry of Defence has invested considerably in additional reserve forces, which are welcomed by many of us across the House. What steps might the Secretary of State be able to take to ensure that the jobs of our reservists, such as those serving in 6th Battalion The Rifles in my constituency, will be protected, especially given that 10 of them are returning from Afghanistan this week?

Mr Robathan: My hon. Friend is quite right to raise that issue, and I pay tribute to those reservists who go out to Afghanistan, including those from 6 Rifles. We have the Reserve Forces Act 1996 and the Reserve Forces (Safeguard of Employment) Act 1985, both of which should protect reservists deployed on operations, but he is quite right to raise the issue, which we keep under close review.

Mrs Madeleine Moon (Bridgend) (Lab): Ministry of Defence medical services has a good record of engagement with the carers of wounded service people, but when servicemen are transferred to the NHS system, carers are often told that, because of patient confidentiality, they cannot be engaged with and information cannot be shared. Will the Minister ensure that such continued engagement with carers takes place for service personnel, especially those with traumatic brain injury or mental health problems, once they enter the NHS?

Mr Robathan: The hon. Lady raises a very important issue, of which I was not aware. Practitioners in the NHS certainly should get full medical records from the military medical services. If she were able to raise some specific cases with me, I would be most interested to hear them, and I look forward to hearing from her.

Mr Graham Stuart (Beverley and Holderness) (Con): The reason why so much public money has been invested in BAE technology is to protect British interests and British jobs. What steps can Ministers take to ensure that jobs at Brough and other BAE sites are retained in this country and not shipped abroad?

Mr Howarth: As I have tried to explain to the House, since we took office we have made huge efforts, led by the Prime Minister, to promote these first-class British products. The Typhoon is a world beater—not, as some press commentators have suggested, a cold war legacy programme. It is the most advanced combat aircraft in the world today, and the Hawk is the most proven and effective military training aircraft. We are working flat out to try to promote those in the interests of the constituents of everybody in the House today.

Mr Gerry Sutcliffe (Bradford South) (Lab): What further support are the Government going to give to ex-service people who belatedly discover that they have post-traumatic stress disorder?

Mr Robathan: The hon. Gentleman raises a very important issue, not least because PTSD can take many years—up to 16 years—to show itself. I am sure that the hon. Gentleman has read the report of my hon. Friend the Member for South West Wiltshire (Dr Murrison), called "Fighting Fit", which leads a way forward.

Things are not perfect yet, but we are going forward. We are deploying additional mental health nurses across the country in NHS hospitals and we are working closely with Combat Stress to ensure that ex-service personnel get the opportunity, through both a call line and otherwise, to get treatment as necessary. It is extremely important that they get that treatment.

Dr Julian Huppert (Cambridge) (LD): Today is world homeless day. What recent progress has the Secretary of State made in reducing the number of ex-service people who find themselves homeless?

Mr Robathan: This looks like my afternoon.

Although there are homeless ex-service personnel, in fact their number is much less than one might expect. Analysis has shown that those ex-service personnel who are homeless very often left the forces some 20 and more years before.

Mr Kevan Jones (North Durham) (Lab): It is 3.8%.

Mr Robathan: I hear from the Opposition Front Bench that the figure is 3.8%, and one might expect more than that. We do work with Veterans Aid in London, among others, to ensure that the maximum support available is given to ex-service personnel who, unfortunately, find themselves homeless.

Katy Clark (North Ayrshire and Arran) (Lab): Is the Minister aware of the campaign by the Royal British Legion Scotland to get a Ministry of Defence hospital unit based in Scotland? I understand that the tendering process for that is due to commence in 2013. Will the Minister look into the issue and try to get a better geographical spread for such units?

Dr Fox: The hon. Lady is absolutely right, and it is something that we will look at. As I said at the conclusion of the basing review, it is essential to remember that Her Majesty's forces are for the whole Union, not for any one part of the Union. Having them more evenly spread is part of what the United Kingdom is all about.

Defence Responsibilities

3.32 pm

The Secretary of State for Defence (Dr Liam Fox): I would like to take this opportunity to inform the House about my defence responsibilities in the light of considerable media coverage and the interim report this morning by the permanent secretary. I would like to discuss the meeting in Dubai in June 2011, my relationship with Mr Werritty and my involvement in Sri Lanka. If I may, Mr Speaker, I will take these in turn.

As I said yesterday, I accept that it was a mistake to allow distinctions to be blurred between my professional responsibilities and my personal loyalties to a friend. Mr Speaker, I am sorry for this. I have apologised to the Prime Minister, to the public, and, at the first opportunity available, to the House.

Let me deal first with the Dubai meeting, which has been the subject of so much speculation. Mr Werritty first met Mr Boulter of Cellcrypt on 1 April 2011 in Dubai. This meeting was arranged by the lobbying firm Tetra. At this time, Mr Boulter asked for a meeting to discuss Cellcrypt. Nothing happened for the next three months, but during the week of 13 June, Mr Werritty was dining in Dubai at a nearby table and Mr Boulter again requested a meeting. Mr Werrity suggested that it might be possible the following day, as I was coming through on my return from visiting forces in Afghanistan. The meeting—*[Interruption.]*

Mr Speaker: Order. Let me say at this early stage that the Secretary of State is making a full statement. It is a matter of basic courtesy that that statement be heard. By now the House can trust me, I think, to ensure that there will be a full opportunity to question the Secretary of State, but he must first be heard.

Dr Fox: Thank you, Mr Speaker.

The meeting took place on the morning of 17 June, where there was a general discussion about Cellcrypt and what it might be able to do to support the MOD. At the end of the meeting, in the interests of probity, Mr Boulter mentioned that he was in a dispute with 3M alongside the MOD, and I acknowledged this. Beyond this, there was no discussion of the case or any individuals involved, nor was any classified information discussed.

That night, Mr Boulter sent e-mails claiming that he had had discussions on the issue of George Buckley's knighthood. This correspondence later became the basis of a blackmail case in the United States. I made it clear that I was willing to testify that I had never had any such discussions. Subsequently, Porton Group has since clarified that Harvey Boulter did not in fact discuss the matter of the knighthood.

I accept that I should not have had a meeting with a potential commercial supplier without an official being present. This was entirely my fault and I take full responsibility for it. After the meeting, however, I notified my private office and asked them to prepare a brief on the subject of Cellcrypt.

Let me turn now to Mr Werritty, whom I first met in 1998. While I was in opposition, he worked as a paid intern in my House of Commons office and at this time had a parliamentary pass. He also received payments for research work undertaken during my time in opposition. Records currently show total payment of some £5,800 over the total period. He has not received any payment from me while in government. He has a very wide range of long-standing business, international relations and political links of his own. He did not receive any payment as a result of the meeting in Dubai, nor has he been involved in any defence procurement issues.

As a matter of transparency, I would like to inform the House that I have met Mr Werritty in the margins of trips of various sorts overseas, including annual leave and holidays with family and friends, on a total of 18 occasions.

As the permanent secretary points out today in her report, Mr Werritty visited me at the Ministry of Defence over 16 months, either in my office or in the refreshment facilities, on 22 occasions. The majority of these were short social meetings. In only four instances were others present. Three related to Sri Lanka and one was with Matthew Gould, known socially to both of us. It was also during one of these meetings in June that I first learned about, and told him to stop, using his business card stating that he was my adviser. Mr Werritty was never present at regular departmental meetings. During private meetings we did not discuss either commercial or defence matters. He had no access to classified documents, nor was he briefed on classified matters.

As I said yesterday, I accept, with the benefit of hindsight, that I should have taken great care to ensure a more transparent separation of Government, party political and private business and that meetings were properly recorded to protect myself and the Government from any suggestion of wrongdoing. Again, I accept my personal responsibility for this. The permanent secretary is making arrangements to ensure that such a separation of powers will exist in the future. In addition, because I do not believe that to be enough, Mr Werritty will not make private visits to the MOD in future, will not attend international conferences where I am present, and we will not meet socially abroad where I am on official business. This should ensure that no appearance of potential wrongdoing will occur in the future.

Since 1996, when I was a Foreign Office Minister, I have been involved in attempts to help resolve the conflict in Sri Lanka. As the war with the Tamil Tigers drew to a close, I worked with a number of others in business, banking and politics. It was my aim to create a mechanism that would allow reconstruction funding to occur through the private sector. This was called the Sri Lanka Development Trust, which seeks to promote post-conflict reconciliation and development in Sri Lanka. The aim was to use a proportion of profits made to fund development projects in Tamil communities. Neither myself, Mr Werritty nor others sought to receive any share of the profits for assisting the trust.

During the Shangri-La dialogue of the International Institute for Strategic Studies in 2010, I attended a bilateral meeting with the Sri Lankan Foreign Minister. This was attended by Mr Werritty and MOD officials and was minuted. The purpose of the meeting was to make it clear that although I would no longer be able to participate in the project, the others involved would continue to do so.

In December 2010, Mr Werritty and I met with the Sri Lankan President in London. This was not an official visit, hence why it was held in the Dorchester hotel. In July 2011, I gave a lecture hosted by Mrs Kadirgamar, the widow of my friend and Tamil former Foreign Minister Lakshman Kadirgamar, who was assassinated by the Liberation Tigers of Tamil Eelam in 2005, as the House will know. Mr Werritty is a personal friend of Mrs Kadirgamar and helped with the arrangements, as it was a personal not a ministerial commitment. I know that there are some in the Sri Lankan diaspora who do not want any contact with the current Sri Lankan Government, but as I said in my lecture, unless we have reconciliation based on mutual tolerance and respect for all citizens regardless of ethnic origin, we will not find peace in that island.

I have made it clear throughout this process that my desire is to be as transparent as possible, and I accept where I have been at fault, as Ministers must. Following the interim findings, the Prime Minister has asked the Cabinet Secretary to work with the permanent secretary to complete the report, addressing all the remaining questions that have been raised publicly and privately by this issue, and I shall fully and willingly co-operate with this.

Mr Jim Murphy (East Renfrewshire) (Lab): I remind the House of my properly declared interest and thank the Secretary of State for his statement. I have enjoyed shadowing him in the House of Commons, and until now we have had a good working relationship. Indeed, he will know that I defended him for the first month of this case, until he started to defend himself and his answers unravelled, but this whole crisis is self-inflicted. There have been daily revelations which barely 36 hours ago he described as "baseless", but yesterday he was forced into a partial and belated apology. It is not a partial apology we want; it is full and complete disclosure of all the issues, so today we will listen with great care to any questions that he does not fully answer.

Some will question the loyalty of a friend who abuses his contacts in that way, and many will doubt the judgment of a Secretary of State who willingly allows himself to be professionally compromised in that manner. But this is not just about the Secretary of State's judgment; it is also about his conduct and breaches of the ministerial code. The code is clear. Paragraph 7.1 says:

> "Ministers must ensure that no conflict arises, or could reasonably be perceived to arise, between their public duties and their private interests".

Yesterday the Defence Secretary apologised for the "misleading impression" that his actions may have given. His apology in itself is an admission of a breach of the code. So it is beyond doubt that he has breached the ministerial code; the only issue is on how many grounds and on how many occasions?

Paragraph 5.2 of the code says:

> "Ministers have a duty to give fair consideration and due weight to informed and impartial advice from civil servants".

The Secretary of State claims that the infamous meeting in Dubai happened by chance. Today we have another version of events: he has told the House that he did not discuss defence or classified matters with Mr Werritty. How then did Mr Werritty know his diary and how he was travelling back from Afghanistan? Why did the Secretary of State exclude civil servants from that meeting? Did he ask for advice and briefing before the Dubai meeting? Did he seek civil service advice in advance of any of the 22 meetings with Mr Werritty? If so, will the Secretary of State publish all such advice, together with a full list of topics discussed and those who attended, and any actions taken by his private office or his special advisers following those meetings?

The Secretary of State has admitted that distinctions between his professional responsibilities and personal loyalties have been blurred. Again, the ministerial code is clear on this. Paragraph 7.3 says:

> "On appointment to each new office, Ministers must provide their Permanent Secretary with a full list in writing of all interests which might be thought to give rise to a conflict."

Paragraph 7.4 continues:

> "Where appropriate, the Minister will meet the Permanent Secretary and the independent adviser on Ministers' interests to agree action on the handling of interests."

So on their first day in a new job every Minister has to make a declaration. Under paragraph 7.5 of the code, statements of ministerial interests are published every six months, and the Secretary of State's entry makes interesting reading. There are mentions of good organisations such as the Strawberry Line project in his constituency, but there is no mention of his adviser who ran a defence consultancy, arranged his meetings and handed out his business cards across the world.

Did the Secretary of State provide full and complete disclosure to his permanent secretary about his links to Adam Werritty and his defence consultancy, Security Futures? What advice did the permanent secretary give him and what was agreed on the handling of this interest? Will the Secretary of State now publish the record of the information that he supplied to his permanent secretary when he took up this job? In the media this morning, the former Chief of the Defence Staff, Sir Jock Stirrup, is reported as saying that he raised his concerns with the Secretary of State for Defence's office. Is this true, and has the current or any previous permanent secretary ever raised their concerns about his professional proximity to Mr Werritty with him or his office?

Looking at the ministerial code, it is clear that, on paragraphs 5.2, 7.1, 7.2, 7.3, 7.4 and 7.5, the Secretary of State has driven a coach and horses through the rules. He cannot believe that today's partial apology gives him a free pass round breaches of the ministerial code. Our forces look to him for leadership. When they step out of line, when they break the rules, they take responsibility and accept the consequences. They, and we, expect no less of the Defence Secretary. We all hope that he has done nothing wrong, but the only way to clear his name is total transparency, which is why this case should now be referred to the independent adviser on Ministers' interests.

In conclusion, we might never know what got the Secretary of State into this crisis—whether it was arrogance, naivety or hubris. The British people

> "expect the highest standards of conduct…We must be...transparent about what we do and how we do it. Determined to act in the national interest, above improper influence".

[Interruption.] Government Members might shout about that, but those are not my words; they are the words of the Prime Minister in the foreword to the ministerial code of conduct. The Prime Minster must now apply those standards to the Secretary of State, otherwise the ministerial code will not be worth the paper it is written on.

Dr Fox: I am not entirely sure what questions arise from that. The right hon. Gentleman asked why no civil service advice was sought before social and private

[Dr Fox]

meetings. The answer is that civil service advice is not sought before social and private meetings. He asked when the permanent secretary raised concerns. The permanent secretary raised the matter of the business cards with me in August. I told her that I had dealt with that in June when I first saw them. I demanded that they should not be used again and that any subsequent cards should not display either the portcullis or a reference to me as Secretary of State. The right hon. Gentleman has spent most of his time over the last few days focusing on the meeting in Dubai with Cellcrypt. I have set out how the meeting came about, what the conversations were during the meeting, what conversations did not take place, what Mr Boulter said did take place and the action I took as a consequence, which was to ask my private office for a full briefing. No commercial contracts were made and no financial gain was made as a result of any of those discussions. When a man who was involved in a blackmail case is feeding information to the media, which is often taken without question, it is rather difficult to take the shadow Secretary of State beginning his statement without telling us the specifics of the declaration he was making, which is that his Front Bench team took £10,000 from Cellcrypt, the company at the centre of all this, to visit the United States. I hope that today I have answered as many questions as I can; perhaps the shadow Secretary of State might want to answer some that arise for him.

Sir Malcolm Rifkind (Kensington) (Con): May I, as a former Defence Secretary, pay tribute to the robust and effective leadership that my right hon. Friend is giving, which I hope he will continue to give to a Ministry of Defence that has sadly drifted in recent years? With regard to what he said about links with Sri Lanka, may I, from my own personal knowledge going back to the time when he served with me in the Foreign Office, confirm that my right hon. Friend made sterling efforts to try to broker peace between the various factions in Sri Lanka? I think it is a tribute to his integrity and his qualities that he has continued to advance that cause in the years since.

Dr Fox: I am grateful to my right hon. and learned Friend for that. A great deal of work is still to be done in Sri Lanka, and I am very pleased that I was able, eventually, to make an official visit as Secretary of State. I hope that the United Kingdom, with all its historical links to the country, will be able to use the levers at our disposal to try to bring peace to a region where, sadly, too little has been done in recent years to try to bring reconciliation.

Mr Dennis Skinner (Bolsover) (Lab): Experience shows that over the last 40 years these decisions are very rarely decided by the raucous voices behind the Government Front Bench. What the right hon. Gentleman really has to consider is the fact that his friends in the right-wing press—not, now, *The Guardian*, but *The Mail on Sunday*, *The Daily Telegraph* today and probably Kavanagh of *The Sun*—are against him. It looks to me like Cameron is going to get his Fox.

Dr Fox: It is certainly possible to keep a good bottle just a little bit too long. The hon. Gentleman makes a valid point—that these issues are not decided purely inside this House, as they reflect the judgments made not just by the media, but by the public in general. Serious issues have been raised here. I accept that, and I accept that they must be investigated fully, which is why I said I would co-operate with the Cabinet Secretary on all the issues raised. It is important not only to be clear that, as I believe, there was no wrongdoing, but to recognise that the perception of wrongdoing also has to be eliminated.

Mr James Arbuthnot (North East Hampshire) (Con): My right hon. Friend has said that he has made a mistake, and he has apologised to the House. Will he accept that many people believe that, compared with the important issues with which he has to deal, this is pretty small-scale stuff? Will he please concentrate on issues such as the conflict we are continuing to fight in Afghanistan, the shortage of money in the Defence budget and the implementation of the strategic defence and security review?

Dr Fox: I am grateful to my right hon. Friend, who does not have to remind me of the list of serious projects with which we are currently dealing—not least with our armed forces in combat in Libya and Afghanistan. It is important for me to continue with that work. We will certainly not be diverted from the important issues. I nevertheless think it important for those in front-line politics to be big enough to say that they are sorry and have made a mistake if they have done so.

Ann Clwyd (Cynon Valley) (Lab): As Mr Werritty joined the Secretary of State, attending defence meetings in various countries, will the right hon. Gentleman assure us that at no stage during those meetings were security issues or security relationships raised? Will he also assure us that Mr Werritty had no pecuniary interests whatever in any of the items under discussion at any of the meetings?

Dr Fox: The right hon. Lady raises a key point with which I thought I had already dealt, but let me deal with it again for her. I have made it clear that at no point did Mr Werritty attend departmental meetings; that at no point did he have access to classified documents; that at no point did he have classified briefings; and, therefore, that at no point was any issue of security affecting the United Kingdom either discussed or put at risk. As for the pecuniary interests of Mr Werritty in those particular conferences, I am confident that he was not dependent on any transactional behaviour to maintain his income.

Richard Ottaway (Croydon South) (Con): I congratulate the Secretary of State on what he has achieved in the Ministry of Defence to date. Does he agree with one of the oldest maxims in politics? Advisers advise; it is Ministers who decide.

Dr Fox: It is Ministers who decide, and, as I have said, I am still awaiting any information or proof that any advice that I was given changed the way in which I made a decision. There has been a lot of speculation and a lot of innuendo, but if someone has an accusation to make—that there was wrongdoing, that there were financial transactions, or that advice was given that changed a ministerial decision—let that person come forward with it.

Helen Goodman (Bishop Auckland) (Lab): This afternoon the Secretary of State said, "with the benefit of hindsight… I should have taken great care to ensure a more transparent separation of Government…political and private business". However, we know that he was warned by Sir Jock Stirrup and Bill Jeffrey, the then permanent secretary, about his relations with Mr Werritty. Will he tell us why he ignored their advice and shuffled them off quickly, and will he publish their advice?

Dr Fox: The two individuals that the hon. Lady mentioned were not shuffled off quickly; they retired after long and distinguished service to the armed forces and to the civil service. In any case, as I said earlier, I accept that there was a lack of transparency and clarity, and that, as the permanent secretary pointed out in her report this morning—which I suggest the hon. Lady read—there is a need for more mechanisms in the Department to ensure that the ministerial code is clearly implemented.

Nadine Dorries (Mid Bedfordshire) (Con): I believe that this may be the first time that the shadow Secretary of State, the right hon. Member for East Renfrewshire (Mr Murphy), has mentioned a registered interest. If that is the case, I wonder whether he could tell the House how long he has had that registered interest, and why it has not been mentioned before.

Mr Speaker: Order. The question needs to be put to the Secretary of State. However, it is on the record now, and I do not think that the House can wait any longer to hear from Mr Peter Bone.

Mr Peter Bone (Wellingborough) (Con): I think that Members on both sides of the House will welcome the Secretary of State's action in coming to the Dispatch Box. I do not recall that, in all my time in Parliament, a Minister has come to the Dispatch Box voluntarily to answer such questions. However, there is one group of people whom we have forgotten today: our armed forces, in Afghanistan and also in Libya, who will be amazed that the House could be packed with Members wishing to discuss a matter relating to a business card when they have a superb Secretary of State getting on with the job.

Dr Fox: I accept that tribute with particular humility, given that my hon. Friend has a son serving in our armed forces at present. I think it important for us to deal with issues such as this and for them to be fully and transparently addressed, but I also think it important for me to recognise that I have very important issues with which to deal. I have just come back from Libya, where I was over the weekend. Those were not, perhaps, the best two days on which to be incommunicado, but none the less a very important task is still in hand. I realise that a great deal of attention and time will have to be given to it, and I still fully intend to ensure that that is my primary objective.

Paul Flynn (Newport West) (Lab): I thank the Secretary of State for the letter in which he apologised for misinforming the House on a matter earlier this year, but his judgment is what is in question today. He confessed his lack of judgment yesterday. Is he a fit person to take what can be life or death decisions affecting our troops in Afghanistan?

Dr Fox: As soon as I had information from the civil service that there might have been a mistake in a parliamentary answer, I did what you would expect us to do, Mr Speaker, and corrected it immediately. It seems that if we correct mistakes of one kind or another, we are now regarded as lacking in judgment. I think it absolutely correct that, when we make a mistake, we apologise for it; but, as I said earlier, if the hon. Gentleman or anyone else has a substantial charge to make, let him or her bring it out into the open rather than whispering from the weeds.

Tony Baldry (Banbury) (Con): Those of us who were in the House in 1996 will recall my right hon. Friend, as a Minister in the Foreign Office, devoting considerable efforts and energy to the peace process in Sri Lanka. I am sure that any reasonable Member would think it commendable that he has consistently supported the peace process and those involved in it, and I fail to understand why there should be a scintilla of criticism of him for wanting to maintain those contacts and help to bring peace to that benighted island.

Dr Fox: I agree that it would be surprising if anyone did not want that peace to occur, but we have to accept that there are forces in that country, and even more in the diaspora, who do not want anyone to deal with the current Sri Lankan Government. My point is this: however much people may regret what the current Government have done or dislike them, unless we deal with that Government and get proper reconciliation, we will not be able to get peace in that island. *[Interruption.]* The hon. Member for North Durham (Mr Jones) shouts "Foreign Office" from a sedentary position. The Foreign Office, through the Foreign Secretary, agreed that I should make that visit and, indeed, cleared the speech that I gave, as it believed that because of the contacts I had developed over time in Sri Lanka, I was in a good position to try to take the process forward. In respect of achieving peace, what matters is what works, rather than what is a departmentally strictly delineated process.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): The Secretary of State has twice failed to respond to a specific question, so may I ask him for a third time? When was he made aware that first the permanent secretary and then the Chief of the Defence Staff were concerned about this relationship, what was the advice given to him, and what he did he do as a result of that advice?

Dr Fox: As have I said, I was not aware of any direct approach from them. The first direct approach I can remember was when my current permanent secretary came to me in August and said that she had grave concerns about the use of a business card that had "adviser to the Secretary of State" printed on it. She asked what I was going to do about it, and I was able to reply to her that I had already, in June of that year, decided to stop those cards and demand that they not be used again.

Richard Harrington (Watford) (Con): With the revelations today that the Labour Front Bench took money from Cellcrypt, is it not clear that we are witnessing a conspiracy between a desperate business man and a rotten Labour party?

Dr Fox: I think we should keep our discussion within the realms of reasonable debate, but I understand the reasons for my hon. Friend's anxiety. Huge amounts of criticism have been emanating from Cellcrypt in recent times, and the Opposition have said that all they want is to get information. As it has come to light that, in fact, they took a lot of money from that company, we need to know when, and on what terms, that happened, because it raises a potential conflict of interests.

Ian Lucas (Wrexham) (Lab): Will the Secretary of State confirm that he had meetings with Mr Werritty on defence matters in which Mr Werritty had a pecuniary interest, and if so, why does he think he was asked to be there?

Dr Fox: As I have made clear, I am not aware of any specific interests in that sense at all, but if the hon. Gentleman thinks there was any particular pecuniary interest, I am sure the Cabinet Secretary would love to hear from him, as would I.

Mr Julian Brazier (Canterbury) (Con): Is it not the case that taking a close interest in a dangerous and divided country with a civil war going on does, indeed, amount to an interest, but is it not also the case that the framers of the ministerial code took it for granted that people reading it would understand the difference between a public and a private interest?

Dr Fox: I am sure that is correct, but although we may understand that, it does not allow any of us to absolve ourselves of our responsibility to ensure that it is fully transparent and understandable. As I said in a previous answer, although the code is clearly set out, we must now ensure that we put in place processes that make it properly waterproof.

Clive Efford (Eltham) (Lab): It would appear that if anyone wanted to breach the Secretary of State's security arrangements all they had to do was check the travel plans of Mr Werritty. Can the Secretary of State take me through this: one day Mr Werritty just happened to be in a Dubai restaurant at the table next to that of somebody who had a pecuniary interest in defence procurement and defence expenditure—Mr Boulter—and that just happened to be the day before the Secretary of State was passing through Dubai? We are being asked to accept that, but can the Secretary of State say—I did not hear his answer earlier on—how Mr Werritty knew of the Secretary of State's travel arrangements?

Dr Fox: Very simply, because I told Mr Werritty, who was in Dubai with his girlfriend at the time, that I would be passing through and that we should meet up. The hon. Gentleman will have to take my word for it that there was a chance meeting with Mr Boulter, and I think that that is perfectly reasonable. *[Interruption.]* Labour Members are saying, "It is classified", but we are allowed to tell our friends and family where we are going to be as Ministers, because all Ministers, in ministerial down time, will want to try to get their diaries to coincide. If the Opposition are saying that we can never, as Ministers, divulge to anybody—friend or family—what is in our diary, that is an utterly ridiculous position to take.

Mr David Davis (Haltemprice and Howden) (Con): The Secretary of State said that this issue will not be resolved in this House. Nevertheless, in coming to the House and presenting his apology to it, he has acted both properly and honourably. Let us put this issue in context. He has been attacked and criticised today by members, or previous members, and supporters of the Blair and Brown Governments, for whom a single meeting without officials or a record was not an issue; they made it a whole system of sofa government. Furthermore, in some cases they took very large sums from the attendance of that and changed public policy. Can the Secretary of State confirm to this House that he neither gained financially, either personally or politically, nor changed public policy in any way as a result of these meetings?

Dr Fox: I know exactly what my right hon. Friend is referring to, but I want to get back to the point that where there are serious allegations we do have to treat them seriously. I go back to the point I made earlier, which was that my contacts with Mr Werritty were neither for his financial gain in any of the issues I have mentioned, nor for my financial gain. However, I do think that in terms of making sure that there is total transparency, we have to make every effort not only to behave properly, but to be seen to behave properly.

Thomas Docherty (Dunfermline and West Fife) (Lab): On the issue of the meeting with the President of Sri Lanka, can the Secretary of State give assurances to the House that the President of Sri Lanka was clear as to Mr Werritty's status in that meeting?

Dr Fox: Yes, the meeting in London, as the hon. Gentleman will remember, was not an official visit to this country by the President. I was very keen to talk to him about some of the projects that I had been running in opposition but was not going to be able to run in government. That meeting included the Sri Lankan Foreign Minister, a long-standing friend of mine, and the governor of the bank of Colombo, who is also a long-standing acquaintance. I simply wanted to try to make it clear that much as I would not be able, as the Secretary of State and a member of the Government, to continue with what I had done in opposition, there were those who were willing to continue to do that in politics and business. I hope that they will be successful.

Charlie Elphicke (Dover) (Con): Listening to my right hon. Friend's statement one gets the impression that a company, Cellcrypt, spent hundreds of thousands on lobbyists to try to get a contract and failed to do so. Will he confirm that that understanding is correct? Having failed to get that contract, the company then tried to buy the politics of the Labour party, which is now throwing rocks. Does that not have profound implications for our politics, on both sides of the House?

Dr Fox: Following the meeting in Dubai, when I had been interested in what Cellcrypt could bring to the Ministry of Defence, I immediately called my private office and asked to be provided with a briefing that I could get on my return. The correct way to make decisions about procurement is through our regular procurement process. It is quite reasonable to talk to contractors, as we do on a regular basis. All Ministers talk to contractors on a regular basis about what they may or may not bring in terms of capability to the MOD. The question is whether, having been given that information, we make snap decisions or we put it through due process, and this—Cellcrypt—is being put through due process.

Joan Ruddock (Lewisham, Deptford) (Lab): The Secretary of State has told us today that on 18 separate occasions he met Mr Werritty on overseas trips. In my experience as a Minister, in the margins of visits the diary secretary records where the Minister intends to be. Was that the case on the 18 separate occasions on which the Secretary of State met his friend on official visits?

Dr Fox: As I said earlier, there were a wide range of visits, and they included overseas visits that were family holidays and so on. I included them all for the sake of completeness. A number would have been conferences, such as the International Institute for Strategic Studies Shangri-La dialogue in Singapore or Bahrain, for example, that Mr Werritty was attending in any case. Many of the occasions would have been on the margins and would not have been political meetings. Of a very small number of the meetings I have had, which I set out today, three were about Sri Lanka, where I included him because of the experience we had in opposition, and one was with a member of the diplomatic staff whom we happened both to know personally. I know that the right hon. Lady is trying to get to genuine and legitimate concerns, but I can assure her that we have tried at all times to separate the professional work abroad, either party political or governmental, and the social.

Nadhim Zahawi (Stratford-on-Avon) (Con): Is my right hon. Friend aware that the Labour party's so-called independent report on defence procurement was supported by the same company, Cellcrypt, as is funding Front-Bench trips overseas?

Dr Fox: I was aware of that issue. The right hon. Member for East Renfrewshire (Mr Murphy) talked about his declared interest today, but I think that it would have been better to have been frank and upfront and to have said that the particular company concerned is the central company in many of the allegations about the meeting in Dubai on which the shadow Secretary of State has so focused. I am not saying that that would in any way diminish his case, but I think it would have been better for transparency all round.

Huw Irranca-Davies (Ogmore) (Lab): I apologise for my voice, Mr Speaker—I was shouting at the television over the weekend. Several years ago, on my first day as a Minister in the Wales Office, the ministerial code was put in front of me and I was asked clearly and precisely whether there were any associations with individuals or organisations that I should declare. I declared them, including my long historical link with the Scout Association. I was advised at that point—and I listened to my private secretary—to break that link on a temporary basis and as far as I know that organisation was not involved in arms lobbying or trading, and neither is it now. Did the Secretary of State make clear his association to this individual and to this lobbying company at all points or did he hide it from his private secretary and the permanent secretary? If he did make it clear, was he ever given advice that this should not be done?

Dr Fox: Like all Ministers, on taking office I believed that I was fully within the ministerial code. As I have said to the House several times today, I accept that I have allowed the blurring of the distinctions on occasion and I fully accept my personal responsibility for that. I do not believe that there was a specific allegation for me to deal with at the time, nor a specific interest to deal with.

Conor Burns (Bournemouth West) (Con): May I say to my right hon. Friend that Combat Stress came to the House of Commons earlier today, to the Speaker's apartment, to launch the next phase of its campaign, "The Enemy Within", highlighting the plight of veterans who are suffering from mental illness due to the scars of war? As the Secretary of State made his statement on defence responsibilities, he will doubtless have those responsibilities in mind. It is the mood on the Government Benches that we hope that the matter will quickly be put behind him so that he can get on with the excellent job he has been doing as Secretary of State.

Dr Fox: My hon. Friend is not the only one who would like this put behind us quickly, but I think that it is more important that it is put behind us thoroughly and comprehensively. I do not wish in any way to diminish the seriousness of some of the questions that have been raised and I hope that what I have set out today, and the process the Prime Minister has set out for the Cabinet Secretary to examine further questions, will ensure that such an inquiry is thorough rather than quick.

Chris Bryant (Rhondda) (Lab): The Secretary of State is right—[Hon. Members: "Hear, hear."] I am sure that hon. Members will agree with everything I am about to say. The Secretary of State is right that it is perfectly understandable for a Minister, when travelling abroad, to bump into a friend. It is also perfectly understandable for a Minister, even in politics, to have a friend—*[Interruption.]* The hon. Gentleman is one of mine, so he should be careful. However, the Secretary of State is stretching our credulity by suggesting that he could have done so on 18 separate occasions. Will he provide us with a list of the meetings when he went abroad when Mr Werritty was not present? Is the only reason that Mr Werritty was able to be there because he had access to the Secretary of State's diary? From what we see he is going to continue to have access to it—surely, that is inappropriate.

Dr Fox: In general, it is inappropriate for the civil service or anyone else to release ministerial diaries, which could be a threat to the security of the Minister or to national security. Where Ministers choose to give information in advance about where they will be to family or friends, that is perfectly reasonable. I would say to the hon. Gentleman that Ministers—particularly Defence and Foreign Ministers—travel abroad with excessive regularity and I would be happy to provide him with a list of the times I have been abroad, excluding those 18 times, over the year and a half that I have been Secretary of State.

Dr Julian Lewis (New Forest East) (Con): My right hon. Friend has been very frank indeed in accepting that it was a bad mistake not to have an official present at the Dubai meeting and he has apologised for that. Does he also accept that the main victim of an official not being present was he himself? Had an official been present and had a proper note been taken, it would not have been possible for anyone else at the meeting to misrepresent what was said and then have to withdraw it afterwards.

Dr Fox: Yes, it does damage to me as the Minister to have failed to take the appropriate precautions of having a meeting minuted and having an official attend. It also, sadly, does damage to the Government in that it might give the appearance of something being wrong. However, I will say to my hon. Friend that it beggars belief that a particular individual at that meeting, Mr Boulter, has said that I discussed with him a knighthood and said that I was going to have the Cabinet discuss a knighthood being taken away. I was very clear that I was willing to give evidence in a US court if required, because I was very clear about what was said and what was not said. Mr Boulter has subsequently given a totally different version of events, which, sadly, leads me to believe that he is a very poor witness and lacking in credibility.

Emma Reynolds (Wolverhampton North East) (Lab): I should like to ask the Defence Secretary again today exactly how many unofficial visits he has made to Sri Lanka, who sponsored those visits, why they are not registered in the Register of Members' Financial Interests and what role Mr Werritty played in any meetings during those unofficial visits that the Secretary of State had with Government officials in Sri Lanka.

Dr Fox: There are no meetings that were unofficial that were not recorded and I made one official visit as Secretary of State. As I have said, the role of Mr Werritty in that was, first, in the official meeting, to organise the lecture for the Kadirgamar Institute, which he did, and, secondly, to ensure that we were able to try to get continuity in the efforts we were trying to bring to investment and subsequent diversion of profit into social projects. I think that is an enterprise that is still worth following.

Gavin Barwell (Croydon Central) (Con): May I commend my right hon. Friend for his apology to the House and for his answers to the questions that have been raised? Over the weekend, I met two servicemen who are shortly to be deployed to Afghanistan. Now that those answers have been provided, I am sure that they will want him, and indeed the whole House, to focus on that conflict and on sorting out the mess in the defence budget that we inherited from the previous Government rather than on this story.

Dr Fox: I am grateful to my hon. Friend for his very kind words. We will continue to focus on those issues because we cannot afford not to. They are literally a matter of life and death and they have to be what we give our greatest attention to. These political matters are matters of extreme discomfort for those of us in the firing line and for our families; however, we have to recognise that the trials and tribulations that we face in public life are nothing compared with the threats facing those in our armed forces.

Mr Frank Roy (Motherwell and Wishaw) (Lab): The Secretary of State has just told the House that Mr Werritty had no access to confidential material. The House knows that the Secretary of State's diary is highly confidential. Has the Secretary of State ever shown Mr Werritty a copy of his diary, or discussed what was in his diary?

Dr Fox: As I have said, it is entirely appropriate for Ministers to show anybody they like what is in their diary. What is not acceptable, under departmental rules, is for the Department to release a diary to any third party when that is not agreed by a Minister. However, because of the question that the hon. Gentleman raises, I have instructed the Department not to release any part of my diary, on paper, to any individual—friend or otherwise.

David Morris (Morecambe and Lunesdale) (Con): First, I would like to thank my friend for being so up-front and honest. I have known him for many years, and he has always been an upstanding gentleman. Let us put this in the truest context: the Opposition are trying to accuse him of some kind of negligence, but 10 years of no spending reviews have been forgotten about; that is true negligence, and that should be put before the House today. That is what the troops are worried about.

Dr Fox: All those involved in the complex matters of defence and national security will want to ensure that we are able to put this issue to bed as quickly as possible and to deal with it, as I said, as thoroughly and transparently as possible, because there are great issues at stake for our country, our armed forces, and those countries that we are involved with. I hope that we, and the Cabinet Secretary, can deal with this as quickly as possible. I assure my hon. Friend that in the meantime I will not be deflected from what I understand are the great burdens and responsibilities of my office.

Angela Smith (Penistone and Stocksbridge) (Lab): Can the Secretary of State inform the House whether any information has been passed to Adam Werritty concerning the legal case involving Porton Capital and 3M?

Dr Fox: As far as I am aware, the only information has come from Porton Capital's lawyers, who sent a clarification following the meeting in Dubai to say that the account of the meeting given by Mr Boulter was incorrect. The lawyers accepted, on the legal case that Porton Capital faced with 3M, that none of the accusations made by Mr Boulter were correct, and no confidential information was given.

Penny Mordaunt (Portsmouth North) (Con): I want to place on record my support for the Secretary of State. There is no one I would rather have going in to bat for our armed forces and our country when it comes to the difficult issues in his in-tray. Can he assure me and the House that the issues in his statement will not detract from the way that he deals with the other issues in his in-tray, and particularly our immediate opportunities to get our allies to pull more weight?

Dr Fox: It would be disingenuous of me to say to the House that being confronted, as some of my other colleagues have been, by a non-stop bombardment from the media, day in, day out, and the effect that that has on our families, does not in some way make it more difficult to get on with our daily work. I thank my hon. Friend for her comments, and say to her that when we are confronted with these situations, we sometimes find unexpected resilience.

Kevin Brennan (Cardiff West) (Lab): May I clarify that the Secretary of State has told the House today that his officials were, on his instructions, routinely giving out details of his ministerial diary to Adam Werritty, who then passed on that information to the people sat next to him at a dinner table in Dubai? Is that, in essence, what he has told the House today?

Dr Fox: The hon. Gentleman will see, when he looks at the official record, that that is not what I said. I was perfectly capable, without officials, of telling any of my friends where I would be, if I wanted to meet up with them. We have to be very clear—the permanent secretary is clear about this in her report today—that it has to be understood by the civil service that it does not give out to anybody details of ministerial diaries unless that is personally sanctioned by a Minister.

Dan Byles (North Warwickshire) (Con): I strongly echo the sentiments of my right hon. Friend the Chairman of the Defence Committee and others: British servicemen and women are daily risking their lives in the deserts and mountains of Afghanistan, and they will be looking in bewilderment at the priorities of Her Majesty's loyal Opposition. Will the Secretary of State confirm to the House that he will not allow smear, innuendo, and lack of substance on the part of the Opposition to distract him from the important business of his job?

Dr Fox: When these stories began to appear in earnest last Wednesday during our party conference, I faced the option of trying to stay and deal with immediate issues or attending the NATO ministerial in Brussels and going on to the planned visit in Libya to Tripoli and Misrata. Had I decided to cancel any part of that official programme because of what was happening domestically and politically in the United Kingdom, it would have sent the wrong signal, not only in this country, but to our allies and to those who are fighting for us overseas.

Toby Perkins (Chesterfield) (Lab): Returning to the subject of the business cards that said that Mr Werritty was the adviser to the Secretary of State, and which the Sri Lankans believed were true, will the Secretary of State confirm that those business cards were known to him before he asked for them not to be used in June, and will he say whether they were funded from his parliamentary expenses or from Ministry of Defence expenditure?

Dr Fox: I was first aware of them in June, when I saw them for the first time. I commented that it was inappropriate for a portcullis to be used on a private business card and that it was not appropriate for anyone to say that they were an adviser to the Secretary of State. At that point, I made it very clear that they should be withdrawn and not used again. They were funded privately, and have nothing to do with public or, indeed, my money.

Bob Stewart (Beckenham) (Con): May I commend my right hon. Friend on not changing his programme, and on going to visit our armed forces abroad, when it must have been tempting for him to come home immediately, given what was happening here? I have listened carefully to what he said today, and I personally am very satisfied. May I advise him to go back to his job, which is looking after our armed forces, who are in combat in two operational theatres? That is what he must concentrate on now.

Dr Fox: Again, I am grateful to my hon. Friend. I intend to concentrate very much on those issues, which remain at the top of my in-tray. As I said, we in the House understand that those outside have legitimate concerns and that they have a right for them to be addressed, and I think that the correct way to do so is for the Cabinet Secretary to continue the investigation begun by the permanent secretary. I can only reiterate my willingness to co-operate in every way that I possibly can with that investigation.

Steve McCabe (Birmingham, Selly Oak) (Lab): What was the perfectly innocent explanation offered up by Mr Werritty when the Secretary of State had to confront him about touting around false business cards?

Dr Fox: He—Mr Werritty—accepted that he should not have done so, and I think that with hindsight, he would think twice about doing so. Having made that clear, he told me that he would get new business cards, not use those ones again, and he accepted that what he had done was wrong.

Andrew Bridgen (North West Leicestershire) (Con): May I welcome the statement by the Secretary of State today and his apology? It is clear that some errors have been made, and it is quite right that the Cabinet Secretary should look into those matters. However, it is also clear that there was no breach of security, and I assure the Secretary of State that he retains not only my support but the support of these Government Benches?

Dr Fox: The permanent secretary makes it clear that at no time was Mr Werritty given access to confidential information or any security information to which he should not be given access; and that no documents or briefings were given. I am afraid that these accusations that national security was breached, which is probably the most serious accusation that could be thrown at any Government Minister, are utterly baseless. If anyone knows of a genuine case where they believe that to have happened, they have a duty to bring it to the Cabinet Secretary. If they do not do so, they should do what is appropriate and not say anything about it at all.

Pat Glass (North West Durham) (Lab): The Secretary of State has told us today that Mr Werritty was present with him on 18 separate occasions on overseas visits, but he has told us that some of those were family

[Pat Glass]

holidays. I think we could all accept that. I have done a quick mental calculation. Since May 2010 I have had two family holidays. Could the Secretary of State clarify for us how many of those occasions were family holidays and how many were official visits?

Dr Fox: There were a number of different categories, as I said. Some of them were overseas visits where I was there purely on a defence basis. Some were conferences, for example, where I may have been speaking and Mr Werritty might have been a delegate. Some were long weekends when my wife and I were abroad. Some were longer family holidays. One was a skiing holiday. We need to understand that Ministers have downtime on visits. In particular, when we have long overseas visits, we try to manage our political time, our party political time often, and our personal time. It is unreasonable to think that we should not have any private time at all.

Jack Lopresti (Filton and Bradley Stoke) (Con): I would also like to put on the record my support for my right hon. Friend. The way that he has come to the House today, with honesty and courage, to make his statement without any pressure from elsewhere has been excellent. Given where we are, with our troops in action all over the world and with the challenges that we face, it is time that we move on from this and concentrate on the job in hand.

Dr Fox: I am grateful to my hon. Friend for much of the help that he has given me in recent days. I finally say this: where there are serious issues of probity to be dealt with, we need to deal with them in an open and transparent manner. I hope I have helped with that process today, but I shall continue to co-operate with the Cabinet Secretary in doing so. However, there is an equal duty on those who have genuine allegations of wrongdoing to make that they bring them into the public domain. When we get sniping from the sidelines and innuendo, it does nothing to improve the health of our political process. I hope that if those exist who have such accusations, they bring them forward. I will be very ready to give my explanation, but what I think is unacceptable is this constant sniping and undermining without, it appears, genuine substance.

Eurozone

4.32 pm

The Chancellor of the Exchequer (Mr George Osborne): I would like to update the House on the situation in the eurozone and what we are doing to mitigate the impact of the crisis on the UK.

Markets remain exceptionally volatile. Since July stock markets are down by 11% in the UK, 12% in America, 23% in France and 24% in Germany. Bond spreads have widened significantly for a number of European countries. Bank shares have lost a quarter of their value in the past three months, and yesterday the Governments of France, Belgium and Luxembourg came together to rescue the major European bank Dexia.

Although the weakness of the US economy, and its recent downgrade, have contributed to the lack of confidence gripping world markets, it is clear to all that the epicentre of this crisis lies in the eurozone, so we need a comprehensive solution that puts our largest trading market on a much more stable footing. In a string of international meetings, including the recent flurry that began with the G7 meeting in Marseille, Britain has helped to lead the international community in setting out what the components of a solution should look like.

We have again pressed our argument in calls over the past couple of days which I, the Prime Minister and the Deputy Prime Minister have made to the leaderships in Germany, France, the institutions of the European Union and international bodies such as the International Monetary Fund. Half an hour ago the Prime Minister spoke to the President of the United States about the issue.

In short, we need a comprehensive solution which ring-fences vulnerable eurozone countries, recapitalises Europe's banks and resolves the uncertainty about Greece. Ring-fence, recapitalise, resolve—let me take each in turn. First, we need to see the eurozone members increase the firepower of their bail-out fund. If they are trying to protect larger countries, €440 billion is sadly not enough. How they increase that firepower—whether by using more paid-in resources, more leverage, or more help from the European Central Bank—is up to them. What I can confirm is that Britain will not be a part of any permanent eurozone bail-out fund. We have provided a bilateral loan to Ireland with the support of the House, in recognition of our exceptionally close economic and social ties. But when we came to office we inherited a situation where we were also part of the EU-wide bail-out fund, the European financial stabilisation mechanism. As the price that we extracted for ratifying the treaty change creating the permanent bail-out fund, British taxpayers have made no contribution to the eurozone bail-out of Greece and will not be part of the permanent fund.

Alongside the ring fence, we need the second R, which is recapitalisation. The European bank stress tests have not been nearly tough enough, as proved by the fact that Dexia did not fail them. At the beginning of the year, I said that the new stress tests must be much tougher. The IMF now estimates that sovereign credit strain could have a direct impact of about €200 billion on European banks, and at last the European Banking Authority is working on a plan to test leading European banks against higher capital ratios and more credible benchmarks on their exposure to sovereign debt. European nations will need to set out the backstops that they have in place to raise capital privately if they can or provide public capital if they cannot.

Detailed work by the Financial Services Authority confirms that UK banks are much better capitalised and more liquid than many of their European counterparts. As the IMF showed in its recent assessment of the UK economy, the core tier 1 ratios of all the major UK banks are in double-digit territory, which compares well to most European peers. On Friday, the credit rating agency Moody's downgraded 12 UK banks. However, it stated explicitly that the

> "downgrades do not reflect a deterioration in the financial strength of the banking system or that of the government".

Rather it is the recognition of the success of the Government's efforts to reform banking and remove the perceived taxpayer guarantee for banks deemed too big to fail. That is the direction in which policy should be moving.

The third R is a resolution of the situation in Greece. The weekly drama of troika visits, parliamentary votes and uncertainty about the disbursement of future tranches of international funds are causing great instability for the whole world. Our advice to European neighbours about what needs to happen is provided in private, but our overall intent is very public. The speculation about Greece's future needs to end. The eurozone needs to come to a clear decision now and stick to it, and that decision needs to be based on a rigorous and realistic assessment of what is really happening in Greece and the debt dynamics of that country's economy. Such an assessment should be provided by the IMF. We need to ensure that the IMF has enough resources to support economies around the world that require the help of the international community.

Ring-fencing, recapitalisation and resolution—that is what needs to happen now. At the same time, the eurozone countries need to undertake structural reforms to make their economies more competitive and move towards greater fiscal integration to underpin the single currency. At the same time, we must ensure that Britain is not part of that integration and that our influence is protected. These things are required by the remorseless logic of monetary union. That is the comprehensive package—all these things—that we have been urging and will urge again at the G20 Finance Ministers meeting on Friday and the European Council meeting, which has now been moved to the end of next week. We believe that the package must be in place as soon as feasible and certainly no later than the G20 leaders summit in Cannes in less than four weeks. Our time frame has been clear and is now broadly accepted by the international community. Indeed, there are now signs of progress from the leadership of the eurozone.

The crisis in the euro may now be inching towards resolution, but it has already delivered a huge knock to international confidence. I said earlier this summer that Britain could not be immune from what was happening on our doorstep. Sadly, that has proved to be the case. That is the principal reason given by the independent Monetary Policy Committee for its decision to request authorisation to undertake further quantitative easing. As Mervyn King said in interviews explaining his decision,

> "clearly the impact of the rest of the world on the UK does threaten our recovery. That's why we took action today to try to head that off."

I made it clear last year that I would follow exactly the same procedures that my predecessor established. I therefore agreed to the request and authorised a further £75 billion of asset purchases. I think that this is the right response to the deterioration in the international situation.

That is what the Bank of England can do. Although we have gone further than the last Government in extracting commitments from all the high street banks to increase SME lending and extend loan guarantees, I believe that we can do more domestically to get credit flowing, including credit easing.

The purpose of a credit-easing programme will be not only to lower the risk of another credit crunch, but to bring about a structural improvement in access to finance for mid-sized and small businesses so that a loan from their local bank is not the only source of finance, addressing one of the long-standing problems in the British economy. This action will sit alongside the other measures we have announced to improve our infrastructure, invest in science and make it easier to employ people. We will announce more details alongside the autumn forecast next month. All this recognises that our economic problems do not all come from abroad; many were home grown. Last week's revisions to the GDP data revealed that Britain had one of the biggest booms in the entire world, followed by the deepest recession of any major economy other than Japan's. We went into that bust with the biggest structural deficit in the G7 and came out with a deficit forecast to be the biggest in the G20.

None of the measures I have described would be possible if Britain did not have what the Governor of the Bank of England himself described last week as

> "a credible plan to repay our debts".

Fiscal responsibility allows the British authorities to be monetary activists. Without that credible plan, market interest rates in Britain would soar as they have in other European nations. Instead, interest rates here are just 2.5%, half of what they are in Spain and Italy. A 1% rise in interest rates would take £10 billion out of the pockets of British families through higher mortgage costs and lead to more repossessions and job losses as companies failed. These low interest rates are hard won and easily lost. I can confirm that the credit rating agency that downgraded the United States, Standard & Poor's, has this month affirmed our triple A rating, but it made it clear that the greatest threat to that rating would be if

> "the coalition government's commitment to fiscal consolidation falters."

We will not take that risk with our nation's credibility and our interest rates.

These are difficult times. There is no doubt that a solution to the eurozone crisis is urgently needed. It would provide the greatest boost available to the British economy this autumn. We have been leading the international effort to help the eurozone find that solution while at home taking the steps needed to ensure that Britain rides out the storm. I commend this statement to the House.

Ed Balls (Morley and Outwood) (Lab/Co-op): Let me start by thanking the Chancellor for making his statement and for advance notice of it. It is right that he has today updated the House and the country on the ongoing crisis in the eurozone. It is also right that he and I will have the opportunity to debate the ongoing growth crisis in the British economy in the House on Wednesday.

A year ago the Prime Minister told the House that our economy was

"out of the danger zone"—[*Official Report*, 15 December 2010; Vol. 520, c. 901.]

We warned then that there was a global hurricane brewing in the eurozone, America and across the developed world. We also warned the Chancellor that ripping out the foundations of the house here in Britain with a reckless approach to deficit reduction was the wrong approach. The global hurricane is now swirling around us. With the eurozone crisis deepening, and in advance of Wednesday's debate, will he tell us today whether he still believes that Britain is out of the danger zone and that we are still a "safe haven" in a turbulent world? With the European Central Bank unwilling to cut its interest rates, is it really the crisis in the eurozone that has prompted the Chancellor to change so radically his views on quantitative easing? Two years ago he called it

"the last resort of desperate governments when all their other policies have failed".

We will return to the British economy on Wednesday, but the Chancellor is right to say today that the crisis in the eurozone now constitutes a direct threat to our flatlining economy, not least because only Greece and Portugal in the eurozone have had lower growth than Britain in the past year. With no growth, it is no wonder our interest rates are so low. He is also right to say that the threat is not only to our exporters, but to the stability and solvency of our banking system. Can he update the House on his latest estimate of the full exposure of UK banks to euro sovereign debt? Is the House of Commons Library estimate of a $187 billion exposure correct? Is it correct that, as part of his contingency planning, the Treasury has been working on detailed plans to inject further capital into Royal Bank of Scotland?

The Chancellor is also right that it is a great relief that Britain is not a member of the eurozone, although I was rather surprised to hear him last week give the credit to the Foreign Secretary, who was in opposition, on the Back Benches and writing history books at the time. I have long given up hope of getting any thanks from the Chancellor for that vital judgment. Above all, the Chancellor is right: eurozone leaders have prevaricated too long and need to get their act together to put in place a credible plan before next month's G20 meeting.

Back in July, the Chancellor told the *Financial Times* in an interview that eurozone leaders had to "get a grip", and he called for a eurobond, but what has happened since? Precious little. Has he urged eurozone leaders not just to increase EFSF funding, but to widen its role to help recapitalise troubled banks and to put in place first-loss guarantees on sovereign debt to stop contagion in Spain and Italy? Rather than talking to the newspapers over the summer, perhaps the Chancellor should have gone to those meetings and urged a Europe-wide plan for jobs and growth to get unemployment falling and deficits down.

What do we have today from the Prime Minister? Do we have a report back from weekend meetings with President Sarkozy and Chancellor Merkel? No, because our Prime Minister was not at the meetings; he was too busy dealing with a local difficulty. Instead, we have another interview in the *Financial Times*, and his solution is that eurozone leaders need to get out their "big bazooka". Their what? He could have called for political backing for the European Central Bank to act as a lender of last resort in return for credible fiscal policies, for a euro area debt guarantee or for a European plan for jobs and growth, but "big bazooka"—what does it mean? Can the Chancellor explain? I made the mistake of looking it up on Google this morning, and I warn hon. Members, "Do not make the same mistake."

To be fair, and in conclusion, the Prime Minister did call this morning for a five-point plan to deal with the eurozone crisis, although it was not clear from the Chancellor's statement what those five points are or add up to, but let us hope that, with Britain badly exposed, our growth flatlining, unemployment rising and borrowing set to be higher than planned, when the Chancellor comes back to the House on Wednesday he will agree to back our five-point plan for jobs and growth here in Britain.

Mr Osborne: I welcome the shadow Chancellor to his place. When I heard that the Labour leadership were clearing out their shadow Treasury Front-Bench team today, I was worried that the Conservative party would lose its greatest electoral asset, but it is great to see him still in his place.

Let me address the right hon. Gentleman's specific questions. First, he asked about the exposures to eurozone nations. The FSA publishes the appropriate information on that, on the exposures overall to peripheral economies and to other eurozone banks, and it is appropriate that it does so. On RBS, I touched specifically on that issue, because there has been speculation, but let me make it very clear: in our assessment, and in that of the FSA, RBS is well capitalised and liquid.

On the eurozone facility, let me answer the right hon. Gentleman's specific question. I believe that it should be broad in application, as well as deeper in funds, and undertake as many operations as is required. He talks about meetings, but let me reassure him that I have been to many, many meetings over the past few weeks. There has not been a shortage of meetings; there has been a lack of leadership from eurozone leaders in those meetings. But, that is changing, and that is very welcome.

Frankly, it is absolutely astonishing that a shadow Chancellor, who led his entire party through the Division Lobby in July to vote against the increase in IMF resources initiated at the London summit by the previous Prime Minister, should accuse us of a lack of leadership in the international community. Let us just imagine if that vote had been won—presumably the right hon. Gentleman cast his vote hoping to win the Division—we, alone in the world, I think, would not be ratifying the increase in IMF resources, and I would have to turn up at those meetings and explain, "I am very sorry, but the British House of Commons does not want to use the Bretton Woods institutions to help us with one of the greatest financial crises of the century." As I say, his lectures on leadership come a little thin, and perhaps he should practise what he preaches.

I end by saying this. We will have our debate on the British economy, but it would be hard to imagine the shadow Chancellor coming back from the Labour conference with his party's economic credibility even lower than it was before he began the conference season, but there is still no recognition from him that his Government spent too much money, ran up a big budget deficit when times were good and spent more money than they had available—even though that is acknowledged by Tony Blair, who was Prime Minister at the time. The shadow Chancellor still thinks that the answer to a debt crisis is to spend more money. His five-point plan is, of course, a complete abandonment of the plan set out by the last Chancellor of the Exchequer, to which, as I understood it, the Labour party was still in theory committed.

When we listen to the combined speeches of the shadow Chancellor and the Leader of the Opposition, they seem to amount to more regulation and more tax on businesses—indeed, they confirm the Labour party's reputation as the anti-business party. The shadow Chancellor has managed to get the Labour party into an extraordinary position for an Opposition—of complete irrelevance: irrelevant at home and irrelevant abroad. The leader of the Labour party asked a good question—"Why would you bring Fred Goodwin back to run the banks?" But why on earth would we bring the shadow Chancellor back to run the British economy?

Mr John Redwood (Wokingham) (Con): When the Chancellor gave his authority to create another £75 billion of money, what forecast was he given about the impact that that will have in the next couple of years on the price level and therefore on real incomes? So far it has been high inflation that has clobbered real incomes and depressed demand.

Mr Osborne: As my right hon. Friend will know, in its most recent quarterly bulletin, the Bank of England did an assessment of the impact that the previous round of quantitative easing had had; it thought that that had increased GDP by 1.5% to 2%, but that it had also increased inflation. However, the Bank was very clear that in recommending or requesting further quantitative easing, it was still aiming to hit its inflation target in the required two-year period.

Mr Alistair Darling (Edinburgh South West) (Lab): I am glad that the Chancellor now realises that the policy of quantitative easing was, in fact, a good one and did help get our economy growing. Can he tell us how he plans to ensure that the additional £75 billion gets out of the bank vaults and on to the high street? He has mentioned the credit support scheme, on which we have not yet got some details, but I am sure that he would agree that it is important that the money finds its way out into the economy.

On the question of Greece, is there now an acceptance that the present austerity policies being visited on that country are not going to work? Were the reports coming out of the IMF a couple of weeks ago—that there would have to be some sort of write-down of Greek debts—accurate?

Mr Osborne: Let me deal first with the right hon. Gentleman's question about quantitative easing. I think there is general recognition that what worked was the increase in asset prices and also pushing investors up the risk chain. I defer to the right hon. Gentleman's view on this, but what did not work so well was an increase in bank lending; that did not happen as a result of QE, although the Government at the time hoped that it would. As he knows better than anyone, the Government also created the asset purchase facility with the idea that the Bank of England might purchase some corporate paper; it ended up purchasing only around £1 billion-worth.

I thought that it was sensible, therefore, that alongside the Bank's action on QE we separately, as a Government accountable to the House, looked at credit easing options, which directly try to address the bank lending issue and enable the Government—again, directly accountable to elected people—to look at a range of assets that one can buy, such as small business loans.

On the question of Greece, I have to be a little careful; I alluded to that in my statement when I said that the advice that we are giving on Greece is private. But our public intent is very clear: the Greek situation has to be resolved. It is very debilitating for the world that at the moment each week goes past and there is another event risk around Greece—the troika turns up, there is a parliamentary vote in Greece. Of course, a lot of the frustration of eurozone members is not so much at the impact of austerity, but at the feeling that they have that the Greeks have not done what they promised to do. But as I say, if the right hon. Gentleman will forgive me, I will continue to give my specific advice on Greece to my eurozone neighbours in private.

Mrs Anne Main (St Albans) (Con): I am pleased that my right hon. Friend is taking a robust approach towards our economy, but does he share my concern that the eurozone's attempt to open up our benefits and pensions pots this September will derail his efforts to make sure that we get money back to the British taxpayer?

Mr Osborne: I am very clear that the resources we provide to the European Union should be well spent. Indeed, there is a whole separate agenda that we have not touched on today of getting the European Union better focused on trying to encourage growth and competitiveness across the entire continent. Like, I suspect, my hon. Friend, I also share the frustration about the application of European law that means that we have to end up paying benefits to people who are not in this country. That is one of the frustrations that Governments in the past have had to deal with, and we are looking at whether there are potential avenues around it.

Sir Stuart Bell (Middlesbrough) (Lab): It was no doubt an oversight that the Chancellor did not mention the conference at the weekend between President Sarkozy and Angela Merkel where they called for a rapid and global response that had to be in place by the time of the G20 meeting in November. The Prime Minister responded by saying that he did not want to put a single euro into saving the euro after 2013. He said that he did not want the involvement of the investment bank and that all he wanted was participation through the IMF—which, incidentally, I did not vote against earlier in the year. Is this what we call being at the heart of Europe and punching above our weight, or are we moving towards a two-speed Europe?

Mr Osborne: I did not directly mention the meeting at the weekend between the French President and the German Chancellor, but I alluded to it when I said that there were signs of progress, as the meeting was one of those signs. They have now decided to delay the European Council until the end of next week to give them more time to put together a package, the components of which are becoming clear. The timetable that we first identified of the Cannes summit being the last possible point when we can resolve this is now generally accepted. On the hon. Gentleman's substantive point about international resources, I commend him for his sensible vote in defying the Whip imposed by the shadow Chancellor.

Ed Balls: There were some people on your side as well.

Mr Osborne: Let me address this. There certainly were some people on my side, and no doubt some of them may ask me about it today. I am very happy to stand up and explain why I think that is wrong, why Britain has been a founding member of the IMF, and why the international institutions like the IMF and the World Bank are absolutely central in trying to get an international response to economic problems. However, there is a big difference between Back-Bench Members of this House deciding to vote against this issue as a matter of conscience and the shadow Chancellor leading the entire Opposition into an official vote against an IMF package that—let us remember this—was supposed to be the crowning achievement of the last Prime Minister's premiership. When we look back at the last Prime Minister's premiership, the one thing we say he got right was the London G20 summit, and then the shadow Chancellor leads his party into the Division Lobby against it. That is pathetic.

Martin Horwood (Cheltenham) (LD): Does the Chancellor agree that if your neighbour's house is on fire, with or without exits, and if it threatens to set yours on fire too, the sensible, constructive and intelligent thing to do is to protect your own house, do your best to help your neighbour to put out the fire, and not start an argument about where the boundary line falls between the two properties—or, as Labour Members suggest, throw away the fire extinguisher?

Mr Osborne: There are quite a lot of fire analogies there. We are trying to do those things. First, we are trying to protect our own country. Of course, this was an independent decision of the Bank of England, but when it made its decision it explicitly referenced what was happening in the eurozone as the principal reason for doing so. Secondly, we are very actively engaged with the eurozone in trying to find this international solution to its problems. I mentioned all the conversations that have been had just in the past 72 hours or so. There have been a string of international meetings where we have made forceful interventions. We have helped to push the eurozone in the right direction, but there are also people—leaders—in the eurozone who are trying to lead it in the right direction as well. The hon. Gentleman's point about the rather remarkable vote by Labour Members against the IMF is well made.

Dr William McCrea (South Antrim) (DUP): In these challenging times for UK families, can the Chancellor assure the House that hard-pressed taxpayers throughout the United Kingdom will not be saddled with the financial burden of saving the euro? Will he continue actively to engage with banks to save the financial viability of small and medium-sized enterprises across the UK?

Mr Osborne: The hon. Gentleman makes a good point about the financial burden. Obviously we bear a burden as an economy that is closely inter-connected with the eurozone, but we took a decision that we wanted to get Britain out of the EU27 mechanism, and we put considerable negotiating effort into doing that. That meant not just the current mechanism, with its €60 billion capacity which had been established—we are still part of that—but ensuring that the permanent bail-out mechanism did not include people who were not in the euro. If the members of the euro want monetary union and want to move towards greater fiscal union, it is not reasonable to ask countries that are not in the euro to be part of one of the key mechanisms of that union, which is a bail-out fund.

Mr Douglas Carswell (Clacton) (Con): The bail-out-and-borrow approach to dealing with the crisis in the eurozone has not worked. We can call it the three R's—ring-fence, recapitalise, resolution—but it is still bailing out, and bail-out simply begets more bail-out: more public liability to rescue rich men from the folly of their investment decisions. When will my right hon. Friend advocate a new approach, one that works: instead of bail out and borrow, default and decouple?

Mr Osborne: The first thing I would say to my hon. Friend is that he is right to allude to the debt dynamics in some of the countries involved, and I mentioned that specifically in the case of Greece. The difference between the Greek situation and the Irish situation at the moment shows that countries can take different paths, and with political will they can deal with their problems. However, if the political system is unable to address those problems, the rest of the international community has to step in.

My hon. Friend's second allusion—the decoupling—is, I guess, a reference to the break-up of the euro. As he knows, I was against Britain joining the euro—I perhaps did not argue the case on quite as many occasions as he did—but as the world stands today, the break-up of the euro would be absolutely calamitous for the British economy, and it is not in our interests to advocate that. It is profoundly in our national interest to try to make monetary union work. Monetary unions can be made to work, but greater fiscal integration and fiscal union are needed, and—this is a crucial additional part—we also need the competitiveness of the other, peripheral European economies to be greatly improved.

Mr George Mudie (Leeds East) (Lab): The Chancellor has said that the asset purchase facility is the best way to get money into the real economy and stimulate growth. Why is the Bank of England refusing to use the asset purchase facility, when the last Government used it successfully, and instead allowing the money to be channelled through the banks, which keep hold of it for their own security, and not to be sent into the real economy?

Mr Osborne: I am not sure that the asset purchase facility was the enormous success that the hon. Gentleman implies. It probably did do a good job—again, I defer to the views of the Chancellor at the time, who would have seen the data closer up. The asset purchase facility helped to stop the collapse in the corporate bond market at the time, but it never led to the big increase in lending that the previous Government hoped it would. The Bank of England did not make use of the £50 billion facility that was made available. Although the facility remains, to date the Bank has made use of only around £1 billion. Instead of revisiting the theology, as it were, of who is responsible and the role of the Bank, my view has been that in order to maintain the proper division of responsibility between the Bank and the Government, who are accountable to Parliament, the Government should undertake credit easing operations with their own balance sheet, and that is what we are working on at the moment.

Michael Fallon (Sevenoaks) (Con): What was the point of the European Banking Authority conducting two rounds of stress tests that excluded any serious test of banks' exposure to sovereign debt? Surely it is in the interests of eurozone Governments to have such exposure made more transparent and to start facing up to how to tackle it?

Mr Osborne: My hon. Friend makes a very good point. We repeatedly argued that the stress tests should be tougher and more credible, but there were strong vested interests that did not want to see that happen and did not want to confront some of the problems in their own banking system. They are now having to confront those problems, however. The fact that Dexia passed the test, and that when it identified a capital shortfall it was in the low billions of euros across the entire European continent—given that tens of billions of euros were required to deal with the Irish problems that occurred around Christmas—demonstrates that those tests were not credible enough. To be fair, I do not think this is an EBA problem; it is more a problem with the membership of the EBA, but the association is now, with our support and encouragement, finally conducting what I think will be a much more credible set of assumptions for the European banking system.

Stewart Hosie (Dundee East) (SNP): I thank the Chancellor for his statement and for giving me early sight of it. He said that the eurozone countries needed to undertake structural reform and to move towards greater fiscal integration—he later mentioned fiscal union—and that that would form part of a comprehensive package that he had been urging. He has not, however, described what he means by fiscal integration or fiscal union. Would they involve the European Union controlling 2% or 3% of countries' gross domestic product, or 20% or 30%? Would they involve a counter-cyclical stability mechanism, or an enhanced European stability fund? Would the measures be applied uniformly, irrespective of debt ratios or savings ratios? It is important that we hear publicly what the Chancellor is saying in private, if we are to avoid speculation and confusion over the UK's position when none need exist.

Mr Osborne: The debate on how that fiscal union should take shape is just starting in the eurozone, and we can contribute to that debate while ensuring that Britain is not part of it and that Britain's important national interests are protected in regard to the single market, competition policy and financial services. Key components of the measures will include some transfer of resources: in effect, the European financial stability fund is becoming a sort of central resourcing fund. The measures will also mean greater surveillance and mutual vetoes and the like over each other's budget policies. I have raised the issue of eurobonds, as have the Italian Finance Minister and the chair of ECOFIN. I think there will be a number of components. In the end, it has to be, in part, a decision for the eurozone itself to take the lead, provided that our interests are protected.

I cannot help but make the observation that one of the things we are learning about the eurozone is that if we have a single currency, we need much greater co-ordination of economic policy. That is rather contrary to the Scottish National party's approach, which is to maintain a single currency but to have a dis-integration of fiscal co-ordination.

Mr William Cash (Stone) (Con): On the issue of growth, will the Chancellor accept that, last year, our trade deficit with the eurozone went up from minus £4 billion to minus £38 billion in one year alone? Does he recognise that this has a great deal to do with the problem of over-regulation and that we need to repatriate social and employment legislation so as to create growth in small and medium-sized businesses? Will he also face down the Deputy Prime Minister, as the Home Secretary did the other day?

Mr Osborne: Speaking as a member of the Conservative party, I would make it clear, as the Prime Minister has done, that if a future treaty should arise, as it may well do, we will argue the case for bringing back certain powers to this country. I am sure that we will have a very active debate about what those powers should be—

Mr Ronnie Campbell (Blyth Valley) (Lab): And throw union rights out of the window?

Mr Osborne: I am sure the hon. Gentleman can put in his bid for things he would like to see repatriated. Perhaps there would be some trade union powers, so that a Government led by the union man, the leader of the Labour party, could get their way more easily. But we will have that debate in due course; it is not active at the moment in European circles. I suggest that we focus on the immediate issue at hand, which is resolving the eurozone crisis.

Alison McGovern (Wirral South) (Lab): In response to the right hon. Member for Wokingham (Mr Redwood), who is no longer in his place, the Chancellor described the Bank of England's analysis of the impact on inflation of the last round of quantitative easing. At a time when British people have less and less cash in their pockets, few issues could be more important. *[Interruption.]* [Hon. Members: "It's Gordon Brown ringing for you!"] Will the Chancellor tell the House, perhaps by telephone, or by e-mail, whether he has requested any analysis from his civil servants in the Treasury of the forecast for the impact on inflation of the current round of QE?

Mr Osborne: I think the phone would have been flying through the air rather than ringing, if it had been the last Prime Minister. Of course we have made our own examination of the impact of QE. When I became

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Chancellor, I set out the procedures I would follow if there were a request from the Monetary Policy Committee. I set it out within weeks of coming into office and I said I would follow exactly the procedures set out by my predecessor—that if there were a request, we would accede to it. I also believe that the MPC has come to the right judgment; its judgment was independent, but I believe it was right.

Nadhim Zahawi (Stratford-on-Avon) (Con): The shadow Chancellor would like a pat on the back for keeping us out of the euro. Will the Chancellor tell us how much the euro preparations unit cost under the previous Government?

Mr Osborne: I am afraid I do not have the figures to hand, although I will definitely bring them to our debate on Wednesday. What I do know is that when I arrived in the Treasury, the euro preparations unit still existed, and we had to shut it down. Perhaps it was something that the shadow Chancellor did not get round to in all those years at the Treasury when he was running British economic policy during the golden era.

Kelvin Hopkins (Luton North) (Lab): A number of eurozone members will be condemned to permanent deflation, low growth and high unemployment and will require ongoing fiscal handouts unless and until they can leave the euro. Britain is well placed to advise on such a process. Whatever the Chancellor says publicly, will he be offering that advice privately?

Mr Osborne: I think that is called a trick question. The hon. Gentleman has been an absolutely consistent and principled opponent of the euro. When I first arrived in the House in 2001, he was making the argument then and he is still making it now, and I respect him for it. As I have said, however, "I told you so" is not an economic policy at the moment. He may well be right about the problems of combining the economies of different countries with totally different structural problems, competitiveness rates and so on, let alone fiscal policies. He is right about all that, but we have to deal with the world as it is, and at a time like this I do not think that advocating the break-up of the euro is in our national interest. We need to make the euro work. Monetary unions can be made to work, but that involves things like fiscal transfers. At last, I think, the eurozone is facing up to that.

Mr Bernard Jenkin (Harwich and North Essex) (Con): May I remind my right hon. Friend of what he said on 24 September, when he reminded the world that there were six weeks to save the euro? If we get to 5 November and this crisis is grinding interminably on, will it not be time to start advocating the advice of Lord Lawson, who advocates an orderly break-up of the euro in order to restore growth to European economies and limit the liabilities that are constantly building up the longer this crisis goes on?

Mr Osborne: My hon. Friend is right to remind us that the G20 summit in Cannes is the last of a string of international meetings that have involved the G7, ECOFIN, which the Treasury Secretary attended, the International Monetary Fund, G20 Finance Ministers later this week and the European Council next week. It all culminates in the G20 meeting of world leaders at Cannes. That really is the moment when the world needs to be in no doubt that there is a solution to the eurozone problems and that we have the firepower and strength in the banking system to deal with them. If we do not deal with them, the situation will go from bad to even worse. However, as I say, it would not be sensible to advocate to our European colleagues the break-up of the euro. That would greatly diminish what we had to say in these meetings, as it would not be seen as practical—*[Interruption.]* Well, I also think it would be wrong, as it is not in Britain's national interest to see the euro break up.

Graham Stringer (Blackley and Broughton) (Lab): The Chancellor of the Exchequer says that he wants to make the euro work, although he also says that it is the epicentre and the cause of instability in the world economy, and he talks about co-ordination of fiscal policy and cash transfers. Is that not just a euphemism for taking central control away from many of the peripheral democracies in Europe, and does not the loss of democracy in countries many of which were recently fascist pose a greater danger than an orderly break-up of the euro?

Mr Osborne: The eurozone was also described as the epicentre by the president of the European Central Bank, Jean-Claude Trichet.

The hon. Gentleman is right: we are talking about the exercise of greater control over the finances of other nations by the eurozone authorities, which is one of the reasons we should be very grateful that Britain is not part of those arrangements. The hon. Gentleman mentioned some of the social and political strains that that might lead to. As I have said, those who follow the remorseless logic of monetary union end up with greater fiscal union, which involves all sorts of sovereignty issues for all the countries in the euro; but I must add that I do not recognise the image of the green pastures of a break-up of the euro and what might happen after that event in Greece. I think that political and social tensions could be considerably higher in countries such as Greece if they left the euro, and that such action could bring about the situation to which the hon. Gentleman referred and which none of us wants to see.

Several hon. Members *rose*—

Mr Speaker: Order. A great number of Members are still seeking to catch my eye, and I am keen to accommodate them, but progress so far has been at best leisurely. What is required is brevity, a legendary example of which will now be provided by Mr David Tredinnick.

David Tredinnick (Bosworth) (Con): Is not the fundamental problem with the Greeks that even if a package is agreed, there is no way the Government can implement it, because the tax authorities have themselves said that they are not going to do so? A depreciated or, indeed, a new currency for Greece would give my Hinckley constituents and others some chance of buying cheaper Greek holidays and stimulating the economy.

Mr Osborne: As I have said, I was always one of those who said that Britain should not join the euro. I worked alongside my right hon. Friend for Richmond

(Yorks) (Mr Hague) when he was Leader of the Opposition, and helped him to write many of the speeches that set out that case. Although the shadow Chancellor keeps talking about the important role that the right hon. Member for Kirkcaldy and Cowdenbeath (Mr Brown) played in all that, I do not recall lots of passionate speeches about why Britain should not join the euro; but no doubt he was doing his work in private.

Let me say this about the Greek situation. If Greece were to leave the euro, there would be a balance of payments crisis. Greece does not have a primary balance, so there would automatically be a need for a huge international programme. The idea that leaving the euro would get it out of needing international assistance, or out of the clutches of the International Monetary Fund, is just fanciful, because it would need such a programme. There would be a balance of payments crisis and there would probably be runaway inflation as well, which would wipe out any competitiveness gains.

I think that we are depicting a nirvana of Greek exit from the euro which does not exist. Greece is in a very difficult position, and it needs to work through its problems.

Chris Ruane (Vale of Clwyd) (Lab): The private sector is not creating the jobs that the country needs. Will the Chancellor now review his massive cuts in the public sector? Forty-six per cent. of workers in my constituency work in the public sector; what chance have they of employment if there is a double jobs whammy, in both the public and the private sector?

Mr Osborne: The hon. Gentleman is the shadow Chancellor's Parliamentary Private Secretary—[HON. MEMBERS: "No, he's not."] Oh, he has been promoted! It is a complete clear-out. Well, well. We are very pleased to see that the shadow Chancellor is still in his place.

Let me draw the hon. Gentleman's attention to what was said by Digby Jones, one of the members of the last Government. *[Interruption.]* It is funny how Labour Members disown these people. They booed Tony Blair, and now they are attacking their former Trade Minister. Anyway, he said that the Labour leadership was

"displaying poor statesmanship at a time when the country needs leaders, not players to a union gallery".

He also said that their policies were

"a kick in the teeth for the only sector that generates wealth, that pays the tax and creates the jobs"

in this country. He added:

"Pro-business? Not!"

It is the businesses that will create the jobs in this country, and being the anti-business party will not get Labour anywhere.

Margot James (Stourbridge) (Con): Does my right hon. Friend recall the howls of derision from Opposition Members when he warned 18 months ago of the possibility of a Greek-style economic catastrophe engulfing this country's economy? Now that the threat of contagion has reached even Italy, what is his assessment of the dangers to the UK economy of slowing down implementation of the deficit reduction strategy?

Mr Osborne: My hon. Friend makes a good point. When we first said, "Look at Greece", Opposition Members all said, "Well, that couldn't happen here." It then extended to Portugal, then Ireland, then Spain, then Italy, and now questions are being raised about the French banks, which France is seeking address, and a Belgian bank has fallen over this weekend. In the end, we can look at what the credit rating agency who gave us the triple A rating said last week. It said that the rating would come under downward pressure if

"the coalition Government's commitment to fiscal consolidation falters".

There would be an automatic downgrade if we were to follow the Opposition's approach. That would lead to higher interest rates, hitting families and leading to more repossessions and more job losses. That is the path to ruin, and we know what it is like because we have been down it before under the shadow Chancellor.

Helen Goodman (Bishop Auckland) (Lab): The Chancellor of the Exchequer has laid great emphasis this afternoon on credit easing, but he has said he cannot tell us how that will operate until the autumn statement, although it will be an alternative to bank finance. When will small and medium-sized enterprises actually get something from this process?

Mr Osborne: As I said, we have already extended the loan guarantees that we inherited. We have concluded a deal with all the high street banks—not just the two that were nationalised under our predecessors—to get an increase in SME lending. We want to go further, however, and we will set out the full details in the autumn statement, when the hon. Lady will, no doubt, be present to ask me a question.

Joseph Johnson (Orpington) (Con): Can the Chancellor confirm that Moody's downgrades of 14 UK banks on Friday reflected the planned and progressive withdrawal of state support for the banking system and a reduction of the likelihood of further taxpayer bail-outs for the UK banks, rather than any weakening of the UK banking system per se?

Mr Osborne: Yes, I can confirm that. Moody's was explicit in saying that that was not a reflection of financial conditions in the UK or the financial strength of the Government. Rather, it was a recognition of the fact that the current Government are trying to move away from the taxpayer either implicitly or explicitly standing behind our largest banks. That is sensible policy, and I hope it commands support on the Opposition Benches.

Michael Connarty (Linlithgow and East Falkirk) (Lab): Returning to the eurozone rather than our domestic concerns, I agree with the Chancellor about the difficulty that would arise if Greece were to leave, or be forced out of, the eurozone. Although he will not tell us his policy, will he give us an estimate in respect of the secure fund for the eurozone? It has been said that €2,000 billion would be required for that fund. How great a contribution from the International Monetary Fund and the World Bank is the Chancellor going to argue for in order to bolster the ability of the eurozone to see itself through the crisis and save Greece from being pushed out?

Mr Osborne: We are not arguing for an increase in IMF resources as part of the Greek programme, but I did make reference to the broader resourcing of the

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IMF. That is increasingly an issue because of its flexible credit lines to Poland and Mexico—neither country is in the eurozone, of course. The truth is that after taking into account the IMF's existing commitments and the buffers it needs to maintain in order to operate as an institution, it does not have a huge amount of resources—although by most people's standards it does have a huge amount, of course. Its resources amount to about €400 billion, but that is not as large as some people imagine. There is therefore a debate about whether to try to increase the IMF's resources, but we are not discussing a possible increase of resources in the IMF programme to Greece.

Sajid Javid (Bromsgrove) (Con): During the 2008 crisis, it turned out that credit default swap spreads were a better indicator of the financial health of a borrower than credit ratings. Over the last 18 months our credit default swap spread has fallen dramatically, and in the last few weeks it has, for the first time, been lower than that of France and Germany. Does the Chancellor have a reason why that might have happened?

Mr Osborne: I think it is a reflection of the fact that people around the world believe that we have "a credible plan"—those were the words used by the Governor of the Bank of England last week—to repay our debts. Let us remember that we have the largest budget deficit of any forecast for the G20. That is the situation we inherited and we are trying to bring that deficit down. Other countries with much lower deficits have got into trouble because they have not had credible plans, presented by a united Government and implemented with a good majority in their Parliament. We have those things and we are going to keep them.

Nia Griffith (Llanelli) (Lab): Many small businesses and manufacturers across the country are still very worried. They have seen growth stall under the Chancellor's policies and now they see the crisis in the eurozone. Can he explain, simply and clearly, how his policies are going to help stimulate growth and help these companies have the growth that they need, particularly given that many of them are going to lose a lot of business when public procurement contracts come to an end?

Mr Osborne: The hon. Lady says that public procurement projects are going to come to an end. The British Government are going to be spending £3 trillion over the next four years, so let us make sure that that money is well spent and that good British businesses, small and large, are able to avail themselves of the procurement that will take place under a £3 trillion Government budget. But of course I do not underestimate the difficulty of the situation the world faces at the moment and the situation that Britain faces because of its exposure to the world and to the problems that it itself created in recent years. I understand that, but the whole world is experiencing slow growth at the moment. We have actually grown more this calendar year than the United States and we are currently forecast to grow more next year than France and Germany. That is just a reflection of the fact that our problems are being experienced by other countries but our solutions have kept us out of the financial danger zone, which the shadow Chancellor asked me about earlier. They have meant that our credit default swap rates, our interest rates and market interest rates, our credit rating and so on have been protected at a time when many other European countries have experienced real market volatility.

Mr Marcus Jones (Nuneaton) (Con): Following the problems in the eurozone, there seems to have been a suggestion in some quarters that an EU-wide financial transaction tax should be explored. Will the Chancellor categorically confirm to this House that he will strongly oppose any such move?

Mr Osborne: I am not against a financial transaction tax in principle; after all, Britain already has one—the stamp duty on shares. What I am against is a European financial transaction tax that operates only on the European continent and is imposed in Europe. If we can get global agreement, with the United States, China and others, on a world financial transaction tax, all well and good, although I do not think that is terribly likely. If we do not have that, all this business currently conducted in the UK would immediately depart to the United States. We saw the same thing happen when Sweden imposed a financial transaction tax—all the business departed to London. I am therefore against a European financial transaction tax, although, as I say, if we can get global agreement, all well and good.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): It is deeply uncomfortable to hear Ministers say from the Dispatch Box that they give advice in private but they do not share it with the House. I wish to give the Chancellor another chance by asking him whether he agrees that as Greece is unable to regain its competitiveness—because it cannot devalue—he is therefore in favour of permanent bail-outs. Another term for those is "permanent gifts", because that country cannot regain competitiveness.

Mr Osborne: As the hon. Lady knows, these are very market-sensitive issues and I have to be careful, as the UK's Finance Minister, in what I say about the Greek situation. However, I was pretty clear in my statement in saying that the debt sustainability of Greece had to add up. That is the issue that has to be confronted with Greece in the coming weeks.

Several hon. Members *rose—*

Mr Speaker: Order. At one point I thought that the hon. Member for Reading East (Mr Wilson) had toddled out of the Chamber, but I am delighted that he is back in his place and we want to hear him.

Mr Rob Wilson (Reading East) (Con): My right hon. Friend was right to be concerned in his statement about money finding its way to small and start-up businesses. May I urge him to consider streamlining the current, overly complex enterprise investment scheme and add tax relief to those business angel investors who are making their savings available to small businesses in this country? Such an approach would give a much-needed boost to small business in this country.

Mr Osborne: My hon. Friend will be pleased to know that we have just announced reforms to the EIS to make it more generous and, we hope, simpler to claim.

Mark Durkan (Foyle) (SDLP): The Chancellor has repeated that the FSA confirmed that UK banks are better capitalised and more liquid than many of their European counterparts. Is that assurance enough for him and how assured is he about the level of UK banks' exposure to sovereign debt in the eurozone?

Mr Osborne: As the hon. Gentleman will understand, that has been kept under close surveillance at the Treasury—certainly for as long as I have been Chancellor, and no doubt before. We are well aware of the exposure of UK banks to the eurozone peripherals. However, we have satisfied ourselves that even with those exposures—as I said, the FSA has made much of the information public—banks such as RBS are well capitalised and liquid and do not have the kinds of problems that some banks on the continent have.

Claire Perry (Devizes) (Con): It is my belief that the fiscal activism of this Government has created headroom for the next round of quantitative easing. Will the Chancellor tell us what he thinks would have happened if we had carried on spending under the plans of the previous Government and whether there would have been any room at all for a further round of QE?

Mr Osborne: My hon. Friend is right to call it fiscal activism, because one has to step in and take difficult decisions, which the Opposition have ducked, to get the deficit under control, to have a credible plan and to allow monetary policy greater freedom of manoeuvre. We are monetary activists while being fiscally responsible and that is the right approach. The alternative advocated by the Opposition is a big increase in interest rates—*[Interruption.]* Let me let hon. Members into a little secret. The Chancellor does not set the interest rates. They are set not only by the Bank of England but by the markets and if we abandoned our plan and suffered the credit downgrade that the shadow Chancellor is, in effect, advocating, interest rates would go up, families would face higher mortgage bills, people would lose their homes, businesses would go bust and jobs would be lost. That is not a path we will go down.

Derek Twigg (Halton) (Lab): May I refer the Chancellor to *Hansard* from 12 September, column 770? He might recall that I raised with him the serious problems that small businesses are having in gaining access to financial support, based on talking to businesses in my constituency. Will he tell me what changed in the three weeks between 12 September and his speech at the Tory party conference? If the policy he announced then turns out to be a practical source of extra help, I will welcome it, but he made no mention of it on 12 September and seemed to suggest that enough was being done anyway.

Mr Osborne: I always listen closely to my Cheshire colleagues.

Neil Carmichael (Stroud) (Con): Does my right hon. Friend take comfort in the result of the German Parliament's vote at the end of last month, when it effectively created a fund with conditions? Does he see that as a generation of political support for the robust action that the Prime Minister has been talking about over the past few days?

Mr Osborne: The vote in the Bundestag was very encouraging. Of course, it is easier for us in the House of Commons to say that the Germans must act and that we must create this fund, but we must understand that German taxpayers are being asked an awful lot—although I would say that that was one of the consequences of a single currency. Nevertheless, it is reassuring that the vote in the Bundestag was passed not merely with a straightforward majority but with the so-called Chancellor's majority.

Andrew Selous (South West Bedfordshire) (Con): I very much welcome the action my right hon. Friend has announced about quantitative easing and credit easing. Will he say whether he thinks it would be helpful for the UK economy if our European partners were to adopt the same policy, given that 40% of our exports go to Europe?

Mr Osborne: I think I had better leave their monetary policy to the European Central Bank and not offer them such advice.

Several hon. Members *rose—*

Mr Deputy Speaker (Mr Nigel Evans): Order. I am going to ask for very short questions as we will move on at 5.45 pm, irrespective of whether Members are still standing.

Mr Denis MacShane (Rotherham) (Lab): For five centuries, British policy has been to oppose any hegemon on Europe, whether a single religion, a single state, a single economic model or a single ideology. Why is the Chancellor so keen on creating a fiscal and monetary union that would dictate terms of commerce, trade and banking rules to this country?

Mr Osborne: That was quite a sweep of history. Of course, Britain has always sought to maintain the balance of power in Europe and one could argue that the enlargement policy was quite a successful extension of that policy, but the decision has already been taken with the monetary union and we have to make it work because we would be directly impacted by its failure.

Mr Peter Bone (Wellingborough) (Con): Is not the euro like the parrot in the Monty Python sketch—dead, extinguished, without life—and is not the German Chancellor like the shopkeeper in saying that it is actually healthy and that we really must buy it? Should not the Chancellor be like John Cleese and say, "This is dead and we should bury it"?

Mr Osborne: I think the parrot was a Norwegian blue, and Norway is not in the euro.

Chris Heaton-Harris (Daventry) (Con): Although the Chancellor is completely focused on the eurozone crisis, I am sure that it will not have slipped his notice that meanwhile the European Commission and the European Parliament are asking for more regulation and more money. Could he please instruct his officials to ensure that, while negotiations on these very important matters regarding the eurozone are going on, we kill some of the bad ideas that are flowing from elsewhere in Europe?

Mr Osborne: We are also arguing strongly for a real freeze in the budget and—I alluded to this earlier—a change in the direction of European policy making so that we do not price this entire continent, including ourselves, out of the world market.

Mr Sam Gyimah (East Surrey) (Con): Does the Chancellor agree that, in the short term, quantitative easing could produce a weaker pound, and that within clearly defined limits that could help to boost exports and therefore drive growth?

Mr Osborne: I have made it a policy not to comment on the value of sterling and I do not intend to break that policy right now.

Penny Mordaunt (Portsmouth North) (Con): Many of my constituents do not want the UK to be part of any new, permanent EU bail-out mechanism. Will the Chancellor confirm that under this Government we will not be part of such a mechanism?

Mr Osborne: I certainly can confirm that, and it is down to the hard negotiating effort of the Prime Minister at the European Council where it was agreed to wind down the temporary EU27 fund and that the permanent bail-out fund would not include Britain.

Christopher Pincher (Tamworth) (Con): With instability in the eurozone and fever in the markets, any Government who contemplated changing three of their five Treasury Ministers would be sending a very dangerous signal. Does my right hon. Friend have any advice for any wannabe political leaders when they choose to sack half their Treasury Bench?

Mr Osborne: As far as I can tell, they got rid of all the people who wanted the shadow Chancellor to be the leader of the Labour party and the leader has put in place all the people who wanted him to win. That tactic was used by the last two leaders of the Labour party, as well, at the Treasury.

Andrew Stephenson (Pendle) (Con): In addition to the structural reforms and other measures that the Chancellor outlined in his statement, what is he doing to ensure that the eurozone follows the lead he is showing in the UK by cutting regulations to stimulate business growth?

Mr Osborne: There is greater recognition in other European member states that we need to make the European continent more competitive, and the pamphlet that we sponsored on making Europe more competitive, which the Prime Minister presented at the European Council, was endorsed by a number of other member states.

Jake Berry (Rossendale and Darwen) (Con): International media, particularly in the USA, are beginning to say that it is a matter of when, not if, Greece defaults on her sovereign debt and leaves the euro. If "I told you so" is not the basis of a good economic policy, what credible and mature plans do we have to deal with the Greek default?

Mr Osborne: Of course, we make contingencies for all possible outcomes—and people should not take that either way because we plan for all situations. I do not want to comment specifically on the issue that my hon. Friend raises about Greece, but I have made it very clear that the situation in Greece needs to be resolved. It needs to come to a decision and stick to it, and it needs to get the debt dynamics in that country right.

Richard Graham (Gloucester) (Con): Given the close correlation between my right hon. Friend's disciplined approach to spending, the ratings of our sovereign debt and the low interest rates from which our constituents benefit, has the Treasury been able to calculate the likely impact on our interest rates of the shadow Chancellor's higher spending policies so that we can calculate the true cost on the average family's mortgage of the widely discredited plan B that he advocates?

Mr Osborne: We have not done that calculation, but my hon. Friend has given me a very good idea for Wednesday's debate. We know, because we have all experienced it, what Labour policies lead to: a completely uncontrollable budget deficit; a negative outlook for our nation's credit rating; and interest rates that were tracking Spain's. We have been there under the Labour party, and it is remarkable that when it cleared out the shadow Treasury team, it did not clear out the man most responsible in this Parliament for getting Britain into this economic mess.

Andrew Bridgen (North West Leicestershire) (Con): In his statement, the Chancellor quoted the sage remarks of the former Minister, Lord Jones. Perhaps it is the Chancellor's modesty that prevented him from quoting these remarks that Lord Jones made about the fact that we are sticking with plan A:

> "The markets of the world will say, 'well done George'. That will mean that interest rates are low",

that we keep our triple A rating, and that we do not become Greece.

Mr Osborne: We should certainly listen to the sage words of the former Labour Trade Minister.

Charlie Elphicke (Dover) (Con): Deficit reduction has kept us ahead of the curve, so our triple A rating has been maintained and interest rates are lower than they otherwise would be. Is it the same with quantitative easing, that it will keep us ahead of the curve if the eurozone does not make the right decisions in the next three or four weeks?

Mr Osborne: As I said, it was an independent decision of the Bank of England. In the explanation that the Governor gave of why the Bank took the decision, he explicitly referred to the situation regarding the euro. I agree with that decision. Work done by the Bank of England suggests that the method can work.

Mr David Nuttall (Bury North) (Con): Following the bail-out of Dexia, does my right hon. Friend consider that there is an increased risk of the credit rating of other eurozone countries, particularly Belgium, being downgraded?

Mr Osborne: Of course, a number of eurozone countries have seen their credit rating suffer, and have seen it downgraded. That has impacted on the cost of borrowing for their Government and their citizens. That is one of the reasons why it is so important that we maintain a credible fiscal policy—something to which the Governor of the Bank alluded last week, and to which all business organisations have alluded. As far as I can see, only the shadow Chancellor now opposes that.

Mr Deputy Speaker (Mr Nigel Evans): I thank the House for its co-operation. We managed to get everyone in, within time.

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New Schools

5.42 pm

The Secretary of State for Education (Michael Gove): Mr Deputy Speaker, with your permission, I would like to make a statement on the next steps in our school reform programme. Just a few weeks ago, we opened the first 24 free schools—new comprehensive schools free from central and local government bureaucracy, designed to tackle educational inequality, widen choice and raise standards. Those schools have provided great head teachers with a new opportunity to extend educational opportunity, and they have given parents who had been denied a choice the chance to secure educational excellence for their children.

In the most disadvantaged areas of Enfield and Bradford, outstanding state school teachers have opened new schools for children who have been denied the good school places that their parents wanted. In Norwich, the new free school is open from 8 am to 6 pm, 51 weeks a year. In Haringey, Birmingham and Leicester, inclusive schools with a religious ethos, whether Jewish, Sikh or Hindu, now provide parents with more choice. In Hammersmith and north Westminster, outstanding academy sponsors are extending to primary schools the superb education that they have already been providing for secondary school children.

Across the country, new schools, by increasing choice, are forcing existing schools to raise their game. By embodying the principle that every child should have access to a great education, free schools are helping to advance social mobility and make opportunity more equal. It is because we want to make sure that more children benefit that we are today accelerating the pace of reform. The 24 free schools set up in the past year were established in record time. It took the Governments of Margaret Thatcher and John Major five years to establish 15 city technology colleges, and it took Tony Blair eight years from winning office before the first 17 academies were established. The speed with which the first 24 free schools have been set up is astounding, and credit is due to the teachers and parents behind them, and to the superb team of officials at the Department for Education who oversaw the reform.

The establishment of free schools is just one of a series of reforms that we have taken forward explicitly to raise standards in the state sector. We have also ensured that more than 1,000 schools have been able to convert to academy status, each enjoying new freedoms, and each using those freedoms to help other schools. When Tony Blair was Prime Minister, he argued that having 400 academies would be transformational; we now have three times that number.

We are using the academy programme to transform underperforming schools. This year, more underperforming schools than ever are becoming sponsored academies. Outstanding schools that enjoy academy status are increasingly sponsoring underperforming schools. By extending academy freedoms to more great schools, the capacity is created to turn round more disadvantaged schools. We have explicitly targeted those secondaries where fewer than 35% of children get five good GCSEs and those primaries where fewer than 60% of children get to the proper level in English and mathematics. We are targeting those local authorities with the worst

[Michael Gove]

concentrations of poor schools, and we will lift the floor standard below which no secondary school should fall, so that schools know that by the end of this Parliament at least half their students must get five good GCSEs. Under this Government, there will be no excuses for underperformance.

Sadly, one area where England has underperformed for years is vocational education, but under our reforms and the leadership of my hon. Friend the Minister for Further Education, Skills and Lifelong Learning, that is being addressed. I was pleased that, this weekend, England came fifth in the WorldSkills championships, outstripping nations such as Germany and, indeed, France and proving that, when it comes to vocational skills, our young people are world beaters. *[Interruption.]* I am always happy to acknowledge that our United Kingdom is stronger for all its constituent parts.

We are building on that success, because there is a new model of academy whose development has the potential to be particularly transformational—the university technical college. Thanks to the leadership shown by Lords Adonis and Baker, and the vision of Sir Anthony Bamford of JCB, the first university technical college opened its doors in September last year. Educating young people from the age of 14 to 19, with a curriculum oriented towards practical and technical skills, with support from industry and sponsorship from a university, these schools have the potential to transform vocational education in this country immeasurably for the better. They combine a dedication to academic rigour—with the JCB UTC delivering GCSEs in English, maths, the sciences and modern languages—with the adult disciplines of the workplace. Longer school days and longer school terms contribute to a culture of hard work and high aspirations.

The JCB UTC was joined by another in Walsall this September, and three more are in the pipeline. If we are to ensure that the benefits of UTCs, academies and free schools reach many more children we have to up the pace of reform. That is why I am delighted to be able to announce today that my Department has given the go-ahead to 13 new UTCs in Bristol, Buckinghamshire, Burnley, Bedfordshire, Daventry, Liverpool, Newcastle, Nottingham, Plymouth, Sheffield, Southwark, Wigan and at Silverstone race track. This Baker's dozen of UTCs will specialise in skills from engineering to life sciences, and I am convinced they have the potential to change the lives of thousands for the better.

In addition, I am delighted that today we can more than double the number of free schools approved to go through to the next stage of opening by confirming that 55 new applications have been accepted, including the first fully bilingual state-funded schools—Brighton bilingual primary school and Europa school in Oxfordshire. They include schools set up by existing strong educational providers such as the Dixons academy and Cuckoo Hall academy. They include the London Academy of Excellence—a school for sixth-formers set up by Brighton college with the aim of getting talented pupils from disadvantaged backgrounds into our leading universities. They also include a school led by Peter Hyman, a former Downing Street policy adviser turned deputy head who wants to create new opportunities for pupils in east London. They also include Atherton free school, which has been set up by a community group in the constituency of the right hon. Member for Leigh (Andy Burnham), and they join eight free schools already in the pipeline for opening in 2012.

Altogether, the number of wholly new schools, UTCs and free schools that have been approved to go ahead from 2012 is 79. Once they are open, more than 100 new schools will have been established by the coalition Government to help to raise standards for all. More than 70% of the free schools given the go-ahead today are in the 50% most deprived areas of the country. More than 80% of the schools are in areas where population growth means that we need more good school places. Every single one of those schools was born out of the passion, the idealism and the commitment to excellence of visionary men and women.

The proposer of one of the new schools we approve today, Mr Peter Hyman, explained in *The Guardian* why he was opening a free school—and his feelings are shared by every promoter of free schools and UTCs:

> "There is no cause greater in our country today, no mission more important, than giving all children an education that inspires them to do great things."

I could not agree more, which is why I commend this statement to the House.

Stephen Twigg (Liverpool, West Derby) (Lab/Co-op): I welcome the Secretary of State's statement today and thank him for providing a copy of it in advance.

At the Conservative party conference last week, the Secretary of State said:

> "We're fortunate in this country that we have so many good schools. We're fortunate that we have so many great teachers."

I agree with that. May I thank him on behalf of the Opposition for his fitting tribute to Labour's education record?

Like the Secretary of State, I am pleased to echo the words of Peter Hyman in *The Guardian*, and I congratulate the university technical colleges and free schools that have secured approval today. UTCs are an exciting innovation modelled, as he said, on the highly successful JCB academy in Staffordshire established under the previous Government. However, there is a real risk that the success of the UTCs will be undermined at birth by the stringent requirements of the English baccalaureate. There is a basic contradiction at the heart of Government policy. The rhetoric is often about freedom and autonomy, but the reality is that the Government want to dictate the details of the school curriculum from the Department.

The Government's emphasis on the central importance of English and maths is absolutely right and I support them in that, but are we really saying to successful schools and colleges such as the JCB academy that they will be punished because they offer engineering rather than the full range of E-bac subjects? In the summer of 2011 this academy, the first UTC and the model for what the Secretary of State is announcing today, scored 0% on the E-bac. How can that make sense? Surely if we are going to increase the status and quality of vocational education, we need a modern baccalaureate, a policy championed by my predecessor and by Lord Baker?

As we showed in government, Labour supports experimentation and innovation in how we set up new schools. Our academies programme proved that good schools can indeed be delivered. The question for the

Government's free schools policy is will the new schools established be good ones. Will they extend opportunities, particularly in deprived areas? Will they drive up school standards in their localities? Will they be based on a fair admissions policy? Most important of all, will they help to close the attainment gap between children from rich and poor backgrounds? That is the basis on which we will scrutinise and challenge the Government's policy. The Secretary of State's belief in the programme is ideological. Our scrutiny will be evidence-based.

However, the bigger challenge is the hundreds of schools that need new capital investment and that are not in today's announcement, including in areas with a severe shortage of school places. Is not the central problem here that the Secretary of State got such a terrible spending review settlement for schools capital from the Treasury a year ago—a cut of 60% in schools capital, compared with a Government average cut of 29%? His failure to persuade the Treasury to give education the settlement given to other Departments means that thousands of children will continue to go to schools with out-of-date facilities, leaking roofs and asbestos.

Today we have an announcement that focuses on just 68 new schools. We wish those schools well, but there are 24,000 schools in England. The Opposition will support reform, investment and innovation that benefit all schools so that we can improve standards for children in all our communities.

Michael Gove: May I thank the hon. Gentleman for his generous words and welcome him back to the Front Bench? He was a superb Minister in the Department for Education. Like Lord Adonis and the right hon. Member for Sheffield, Brightside and Hillsborough (Mr Blunkett), he was a reformist in government and I am more than happy to underline my appreciation for the work that he did. He is the third shadow Education Secretary whom I have faced across the Dispatch Box. His two predecessors indulged in raucous opportunistic assaults on our reform programme and were promoted as a consequence. I realise that there is now a battle between ambition and principle in the hon. Gentleman's breast. I know that he will choose principle, as he always has done throughout his political career.

I am grateful to the hon. Gentleman for the support that he has given to the university technical colleges. They are emphatically a cross-party achievement. Lord Adonis played a part. I think others, including the right hon. Member for Morley and Outwood (Ed Balls), acted as fairy godfathers to the project. I am delighted that UTCs have their support.

It is important to recognise that the English baccalaureate is there to ensure that students pursue the sort of subjects that will get them into universities. The great advantage of university technical colleges is that they also have that link with higher education institutions that help to raise aspiration for all. There is no single tool that will raise aspiration in all our communities. We have to use whatever tools are to hand. I believe that the English baccalaureate, as so many head teachers are demonstrating, helps alongside high quality vocational education, to raise aspirations and increase the number of students going into higher education.

The hon. Gentleman said that when he was looking at free schools, he wanted to apply a series of tests. The tests that he asked me to apply are: will they extend opportunity, will they drive up standards, will they have a fair admissions policy and will they close the attainment gap? Those are four sensible tests, and I would add a fifth—can they ensure that we have a low-cost way of adding capacity to our school system so that exactly the solution to the problem that he alluded to, the need for good school places, was found at the lowest possible cost?

The hon. Gentleman asked me about capital and drew attention to the difficulties that we have with capital in the Department for Education. These difficulties, I am afraid, are a consequence of economic decisions that were taken while he was out of the House by his successors in the Labour Government, and they landed us with a poisoned economic legacy. We are doing our very best to deal with it, and one of the things that we can do is ensure that we get more schools more cheaply. That is why I am so delighted that as well as the additional sums that have been made available for school repair, and as well as the additional sums that we are making available for new schools, the free schools programme has seen schools being delivered at a unit cost lower than was the case under the Labour Government's school building programme.

Finally, the hon. Gentleman asked me whether I regretted not getting the same settlement for the Department for Education as other Government Departments. No, I do not regret it. I am delighted that we secured the same level of funding in cash terms for education as the previous Government had secured. I am delighted that we had the best revenue deal of any domestic Department, apart from the Department of Health. I am overjoyed that, thanks to the support of our coalition partners, there is £2.5 billion of additional money going in the pupil premium to the very poorest schools. It is additional money being spent in a progressive cause, and it is deliverable only thanks to the leadership shown by two parties working together in the national interest.

Mr Graham Stuart (Beverley and Holderness) (Con): The Secretary of State is bringing choice and diversity to our education system while seeing off his shadow at the same time.

For too many 14-year-olds school is an ordeal from which they learn and benefit not at all. I welcome the support for more UTCs, but for those who do not have the choice of a UTC, what steps will the Secretary of State take to ensure that young 14-year-olds can go to college instead of school if they wish?

Michael Gove: My hon. Friend makes a very good point, which is that we need to think hard about the paths that those from the age of 14 will follow. One of the things that I believe we can do is ensure that high quality further education colleges make available their resources, whether through sponsoring underperforming schools or allowing lecturers or others from FE colleges to operate in schools. Following on from the Wolf report, we have already changed the law to allow that to happen. But there is more that can be done to integrate the great work that FE colleges and schools do.

Mr Frank Field (Birkenhead) (Lab): May I challenge the slight complacency that I noticed in the Secretary of State's speech when he referred to UTCs? Is it not true that if we are going to do anything about the

[Mr Frank Field]

competitive position of this country and if we are going to win new markets and offer rising living standards in this country, we do not want a Secretary of State coming to the House offering 13 UTCs? We want a Secretary of State coming and offering 113 such bodies. When does he expect to announce the next round of UTCs? When he does, I hope he will include Birkenhead in the list.

Michael Gove: There are few parts of the country that need schools of quality more than the areas around Merseyside. In Birkenhead, the young people who want a better future are lucky to have such a great champion. We will be bringing forward more UTC proposals, but sadly our capacity to invest in schools of that quality is constrained inevitably by the poisoned economic legacy that we were left.

Robert Halfon (Harlow) (Con): Does my right hon. Friend agree that UTCs are an essential instrument of social justice, that they transform how we look at vocational education and that they provide young people with a conveyer belt to apprenticeships? Will he also confirm that strong bids, such as that from Harlow college and Anglia Ruskin, will be considered in the next round and that there will definitely be funding for the next phase of UTCs?

Michael Gove: Absolutely. My hon. Friend, like the right hon. Member for Birkenhead (Mr Field), wants me to go further and faster with reform. If only I could. I can confirm, however, that strong bids, such as those from Birkenhead and Harlow, which have not made the cut this time but which benefit from having very effective constituency advocates and strong backing from an outstanding college or a great university, are bids that we would like to be able to support in the future. We shall continue to work with bidders to try to ensure that they can be agreed.

Ian Mearns (Gateshead) (Lab): On a recent visit to the Department by the Education Select Committee, officials said that they were surprised by the rate of applications for academy status. Undoubtedly many schools will be applying for the right reasons—because they want to unleash the educational potential among their teaching staff and youngsters. However, others will be drawn by the financial carrot—capital—or by the fear of being left behind if they do not apply for that status. Is the Secretary of State certain that he has the resources to fund this package appropriately without leaving other schools behind?

Michael Gove: Absolutely. That is a very good point. The hon. Gentleman, in local government and the House, has always tried to ensure that we fund schools equitably. We have always sought to ensure that maintained schools and academies are funded fairly. The word "carrot" is sometimes used to describe the incentives inherent in academy status, but I want to make it clear that if a school becomes an academy, it does not receive any additional money. It is just that it can spend money on it pupils' priorities—money that had hitherto been spent by others on their behalf.

Dan Rogerson (North Cornwall) (LD): I welcome the Secretary of State's confirmation that the programme will focus on providing capacity where it is needed. However, when considering applications, will he also bear in mind the need for new providers to work alongside existing providers to complement provision?

Michael Gove: It is right that we ensure, when new schools are established, that they add to the great schools already there—whether through a different type of pedagogy or capacity. I am grateful to the hon. Member for Liverpool, West Derby (Stephen Twigg) for underlining the point that I made at the Conservative party conference—the fact that we need new schools and need to reform should not take away for a moment from the significant achievements that have been made over the past several years by schools and teachers doing a great job in the maintained sector.

Lilian Greenwood (Nottingham South) (Lab): How will the Secretary of State ensure that my constituents are fully involved in, and consulted on, plans for the new UTC in our city?

Michael Gove: Having visited Nottingham twice over the past six weeks, I am under no illusions about the passion that Nottingham's MPs and its people have for improving educational performance. I shall do everything possible to ensure that the local community is involved in plans that I think are exciting and will extend opportunities to a particularly deprived constituency.

Damian Hinds (East Hampshire) (Con): May I congratulate my right hon. Friend on the pace of his reforms and his constant focus on narrowing the gap for the underprivileged? Does he agree that the benefit of free schools can be felt not just where they appear but much wider afield? The fact that such a school could be set up helps to raise the bar. They can act as beacons of excellence and innovation.

Michael Gove: My hon. Friend makes my own case better than I could ever make it myself. It is true. We have seen with the academy programme that excellent schools prompt the question, "Why can't all schools be like that?" As more schools adopt longer school days, longer terms and more personalised learning, parents increasingly ask, "Why can't more schools offer what these schools are offering?" It is a virtuous circle that raises aspiration and attainment for all.

John Mann (Bassetlaw) (Lab): Seventeen scheduled new academies, including three in my constituency, did not go ahead this September because the Secretary of State cocked up the primary legislation on academies and private finance initiatives. By way of an apology, will he guarantee to underwrite all the additional legal costs that these schools face because he messed up the legislation?

Michael Gove: As ever, I am grateful for the constructive tone taken by the hon. Gentleman. I have long admired his bipartisanship. I should point out that those PFI contracts were signed by the previous Government. However, I shall refrain from criticising the Ministers responsible for signing them, and instead seek to work with him to ensure that children in that particularly important part of Nottinghamshire receive the support that they deserve.

Graham Evans (Weaver Vale) (Con): I pay tribute to my right hon. Friend and the parents of Sandymoor on the announcement of the new free school there. The Sandymoor free school will provide a rigorous science-based education to all children, from whatever background, which will produce the engineers, scientists and entrepreneurs that this country needs to pay its way in the world.

Michael Gove: I am grateful for my hon. Friend's support. I am convinced that the emphasis on science in so many of the free school applications is exactly what a 21st century education system needs.

Glenda Jackson (Hampstead and Kilburn) (Lab): In a typically self-satisfied statement, the Secretary of State referred to the principle that every child should have access to a great education. The issue in my constituency is a desperate shortage of school places now, not only in junior schools, but in secondary schools. What does he intend to do to ensure that those children benefit from what he regards as a basic principle?

Michael Gove: I am delighted that one of the first free schools was opened in the hon. Lady's constituency. I would be delighted to visit it with her. I am also delighted that organisations such as University college London have sought to extend academy provision in Camden. Sadly some small-r-reactionary and small-c-conservative elements in the local Labour party have not advanced that cause. I cannot imagine that she would make common cause with those who put ideology above children's futures.

Neil Carmichael (Stroud) (Con): I welcome the Secretary of State's decision today. I also think that he is absolutely right to quote Mr Hyman's comments about inspiring young people to do great things. However, will he ensure that those great things include contributing to manufacturing and engineering in this country?

Michael Gove: My hon. Friend is absolutely right. We all know that in contributing to economic growth, we cannot at this stage anticipate all the skills that the jobs and companies of the future will require, but we know that a rigorous training in mathematic and scientific disciplines will help. That is the emphasis of so many of the schools being set up today.

Nic Dakin (Scunthorpe) (Lab): Will the Secretary of State clarify whether the free schools and UTCs will be funded on projected student numbers rather than actual student numbers like other schools?

Michael Gove: We will ensure that in all free schools and UTCs, the existing funding mechanism for the first 24 free schools and existing UTCs carries on.

Angie Bray (Ealing Central and Acton) (Con): Will the Secretary of State confirm that Ealing is on the list to get a new free school? If so, does he not agree that this will not only help to alleviate pressure on school places in the borough but massively widen the choice for parents of schools to which they might want to send their children?

Michael Gove: I am grateful to be able to confirm that there will be a school that should take students, I hope, from both the constituency of the hon. Member for Ealing North (Stephen Pound) and my hon. Friend's constituency. It is the extension of an already great offer provided by an outstanding head teacher in the state sector. I am delighted that an area of significant population growth is getting the additional capacity that it needs from an outstanding head teacher.

Fiona Mactaggart (Slough) (Lab): I think that I was one of the few MPs who attended the skills olympiad. I was impressed by what British young people could achieve, but I am concerned that the English baccalaureate will reduce the practical skills that young people can learn. Will the Secretary of State think again, as I have asked him frequently to do, about including at least one subject in which young people are making, creating, doing and that will count towards the basic five GCSEs that he expects schools to provide?

Michael Gove: I underline to the hon. Lady that the principal accountability measure for schools is five GCSEs, including English and mathematics. Among the other three GCSEs or equivalents, there can be a number of applied, technical and vocational areas. The English baccalaureate is a useful accountability measure and raises aspirations, but it is not the be-all and end-all and it has never been the opinion of the Government that it should be. We recognise achievement in all its forms, and it is incumbent on everyone, on both sides of the House, to celebrate the achievement of those who succeed vocationally, as she did in the first half of her question.

Chris Heaton-Harris (Daventry) (Con): My right hon. Friend will not be surprised to hear that I am delighted that the UTC for new technologies has been approved for Daventry. It is vital for raising aspirations among young people in my constituency and the surrounding area. Part of the vision for the Daventry UTC is to use local procurement solutions for the design-and-build phase. It is envisaged that the lead sponsor, Moulton college, and its partners will be looking for local architects and contractors to assist with the design and build. Will there be flexibility in the procurement phase for UTCs to allow for this, as alluded to by the Chancellor in his previous statement?

Michael Gove: I always defer to the Chancellor.

Robert Flello (Stoke-on-Trent South) (Lab): The Secretary of State referred to faith schools in his statement. He might not be aware that there are a number of faith schools across the UK, including a couple in my city of Stoke-on-Trent, that, because they are voluntary aided, are having to pay VAT on the Building Schools for the Future money that is being made available to them. Will he meet me to discuss this issue in greater detail, because it is sapping huge amounts of money that should be going to children but is actually going to the Treasury?

Michael Gove: I know that there are some excellent faith schools in Stoke-on-Trent, including an outstanding Roman Catholic grammar school. I would be more than happy for either I or one of my colleagues to talk to the hon. Gentleman.

Jessica Lee (Erewash) (Con): In Erewash, we have seen a number of academy schools established over the past year, including two conversions by the Ormiston trust, which stepped forward and opened those two schools during this academic year. The pace of change has already been mentioned, but for me it is the positive response from head teachers and schools coming forward and taking on this programme with gusto and enthusiasm that really shows that the drive for autonomy and excellence must go on.

Michael Gove: I am really grateful to my hon. Friend, not least for the support she gave head teachers early in the life of the coalition Government to overcome some of the entrenched opposition to academy status. She does a superb job as a constituency Member and I know that future generations of children will thank her for it.

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): The Secretary of State will be aware that, as well as new schools, we will have a new chief inspector of schools, Sir Michael Wilshaw, whom I first met when he was head of St Bonaventure's school in Newham, where he ran an inner-city boys school that was 95% African and Afro-Caribbean and got outstanding results. Does the Secretary of State agree that Sir Michael will bring to the inspectorate the same inspired leadership and emphasis on standards that he had at St Bonaventure's school and at Mossbourne academy?

Michael Gove: Obviously, Her Majesty has yet to confirm her decision on who her chief inspector of schools will be. However, with regard to what the hon. Lady has said, I could not have put it better myself.

Dr Andrew Murrison (South West Wiltshire) (Con): My right hon. Friend has shown his concern for the relative disadvantage often experienced by service children by including them in the pupil premium. One of the main problems is that those children, because they move around a great deal, are sometimes particularly disadvantaged when they apply to the best schools. How will they be helped with free schools and their admissions policies?

Michael Gove: We hope that all maintained schools will abide by a new admissions code, which is explicitly designed to make it easier for schools to manage in-year admissions and for service children to secure admission to the school of their parents' choice.

Meg Hillier (Hackney South and Shoreditch) (Lab/Co-op): Of the six secondary schools in my constituency, three have been built new and three rebuilt, thanks to the Labour Government, so I am pleased that the Secretary of State and the Government have agreed to a proposed new 800-place academy near Victoria park in my constituency. It has the benefit of being sponsored by Mossbourne academy, which has a strong track record. In his haste, how will he ensure that other new academies meet the same high standards that all Members across the House would like to see?

Michael Gove: I am very grateful to the hon. Lady. I know she has returned to the Back Benches, so may I say on a personal note that I thought she was a distinguished member of the shadow Cabinet and that she has fought amazingly hard for her constituency? Her question absolutely gets to the nub of it. I am delighted that we are supporting the new Victoria Park academy and that it is linked with Mossbourne academy. I will continue to work with the Learning Trust in Hackney and will ask the new chief inspector, whoever he or she may be, to keep a special eye on that borough. I am sure that he or she, whoever they may be, will join me and ensure that it is at the top of their agenda.

Sir Alan Beith (Berwick-upon-Tweed) (LD): Will my right hon. Friend assure me that spending on free schools will not endanger the funding that is needed to replace those schools that were left out of the previous Government's programme and are in a desperate state, such as the Duchess's community high school in Alnwick?

Michael Gove: I can provide exactly that assurance.

Stephen Pound (Ealing North) (Lab): May I assume from the subtle suggestiveness of the Secretary of State's reply to the hon. Member for Ealing Central and Acton (Angie Bray) that the inspirational Alice Hudson of Twyford high school has been successful in the proposals regarding north Greenford? The question I wished to ask before that matter was raised was whether he will answer the question I asked him in writing two months ago about whether teachers and head teachers in free schools will be subject to public sector pay controls.

Michael Gove: Yes and no.

Stephen Pound: In which order?

Michael Gove: In that order.

Henry Smith (Crawley) (Con): Will my right hon. Friend join me in congratulating Andrew Snowdon and his dedicated team in Crawley, who set up the new Discovery free school, which has been successfully open now for just over a month? Will he say how free schools and academies will help to increase admissions choice and capacity in my constituency, where that has been a problem in recent years?

Michael Gove: I am very grateful to my hon. Friend, who was a very distinguished leader of West Sussex county council. In Crawley we need additional capacity and people also need proper choice. The Discovery free school provides both.

Julie Hilling (Bolton West) (Lab): I, too, attended the world skills event at the ExCel centre—I was supporting my constituent, Andrew Fielding, from MBDA, who was competing in electronics. His employers and others at the event told me how essential it is that young people are taught technology in school. What will the Secretary of State do to ensure that there is good technology teaching with up-to-date equipment for all young people in all schools, not just technology colleges?

Michael Gove: We are doing everything possible to attract new teachers into science, technology, engineering and mathematics by transforming initial teacher training and providing additional support for teachers who are qualified in those disciplines. We will say more on that when we publish our teacher training strategy, which I hope will be later this month or early next month.

James Wharton (Stockton South) (Con): I thank the Secretary of State for the support he has given me and the residents and parents campaigning for a new free school in my constituency. Will he confirm that the statements he has given today mean that his Department will do all it can to support those campaigners to deliver the new school that is so badly needed in Ingleby Barwick? I cannot thank him enough for his support, which has meant an awful lot for parents and campaigners. Will he confirm that the Department will give them its full and wholehearted support?

Michael Gove: Absolutely. When I visited my hon. Friend's constituency, he showed me not only a superb existing maintained school that needed additional support, which I was delighted to visit, but the parental campaigners for the Ingleby Barwick free school. They were a model of what the big society is about and I am delighted to offer them our support.

Mr Nick Raynsford (Greenwich and Woolwich) (Lab): The Secretary of State is probably aware that the Greenwich free school, which is one of those approved in his statement, has not yet got premises. The site that the school is looking at is, in my judgment and that of others, including the education authority, very unsuitable for a secondary school. I understand his wish to proceed fast, but he will appreciate that going too fast without suitable premises could be a recipe for disaster for something that ought to be a success. Will he ensure that his officials and the promoters of the Greenwich free school give more attention to finding a really suitable location?

Michael Gove: That is a very fair point. I know that some promoters have superb visions for their schools and that there is real demand, but in some areas, such as London, there are difficulties in securing the right site. If we can work constructively, I am sure that we can make it happen.

Andrew Selous (South West Bedfordshire) (Con): May I warmly welcome the new university technical college announced by the Secretary of State today for Houghton Regis in my constituency? What difference does he think it will make to the manufacturing industry locally, which has had a challenging time in recent years?

Michael Gove: We are all committed across the House to rebalancing the economy and ensuring that, in addition to our strength in financial services, we recover our strength in manufacturing. If we are to do that, we need to ensure that children acquire the necessary mathematical and scientific skills at the earliest possible age. I think that the involvement of more than 130 companies in the UTC programme, as well as high-performing higher education institutions, will help us to do just that.

Mrs Jenny Chapman (Darlington) (Lab): I am afraid that I must inform the Secretary of State that the Tory group on Darlington borough council somewhat embarrassed him recently by inviting Lord Baker to Darlington to discuss the prospect of a UTC. I do not think that they fully understood the scheme, because in Darlington we have enough secondary school places. The scheme seems quite inflexible, as a new school would have to be established, rather than an existing one converted. Will the Secretary of State spare their blushes in future by allowing schools to convert, rather than being brand new?

Michael Gove: Rather than embarrassing me, Darlington Conservatives have shown that they have exceptionally good judgment by inviting Lord Baker rather than me to address them. I absolutely take the hon. Lady's point. Sometimes we will look at existing schools to see how we can allow them to develop a specialism that will support high-quality vocational learning.

Craig Whittaker (Calder Valley) (Con): In addition to welcoming the announcements made today, I would also like to welcome the Government's recent announcement of the £500 million pot for rebuilding the most dilapidated schools in the country, such as Todmorden high and Calder high in Calder valley, which never qualified under BSF because they overachieved and there was no deprivation. Will the Secretary of State look at guidance for those many schools across the country that want to convert to academies but are so dilapidated that the fabric of their buildings is a liability for the people doing it?

Michael Gove: Those are two very fair points. I would never want to prevent any school that wanted to become an academy from doing so, nor would I wish to coerce unduly any school that was reluctant to take that step, but it is important that any judgment on capital be made on the basis of need, not on the status or location of any school. That is why schools such as the Duchess's community high school in Alnwick, a school I visited along with Todmorden high, which were not in the Building Schools for the Future programme, are being judged alongside other schools that were, and they are being done so on a totally equal basis.

Mr Denis MacShane (Rotherham) (Lab): Some two hours ago, my right hon. Friend the Member for Rother Valley (Mr Barron) received a faxed letter from the Under-Secretary of State for Education, the hon. Member for East Worthing and Shoreham (Tim Loughton), announcing the opening of a free school in my constituency. It is called Rotherham, not Rother Valley. The proposed head teacher, Miss Charlotte Blencowe, is a failed Conservative municipal candidate who was rejected from a job at Clifton comprehensive and wants to open the school on a disused B&Q site next to one of the busiest and most fume-filled roundabouts in south Yorkshire.

I have had no communication on the matter, and it is going to cause real problems. We have falling rolls in Rotherham, but we had the best GCSE results this year,

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beating the Department's own standards, so will the Secretary of State, out of courtesy, meet me to discuss the issue, and will he at the Dispatch Box now guarantee that no money is to be taken from the existing education budget for Rotherham in order to allow Miss Blencowe to award herself, as the Secretary of State said, the salary that she deems appropriate?

Michael Gove: It is an uncharacteristic lapse from the normally high standards of bipartisanship and open-mindedness that the right hon. Gentleman brings to the House, and I am sorry that he feels churlish about the establishment of a new school in his constituency.

Mr MacShane: The letter was faxed to somebody else.

Michael Gove: I hope that this—I am sure, outstanding—new school will attract, from all of south and west Yorkshire, students who will want to benefit from the high quality of education. It is always a pleasure to talk informally to the right hon. Gentleman, and always a pleasure to work with him in his relentless crusade to put politics aside and our children first.

Richard Fuller (Bedford) (Con): The Secretary of State must be heartened by the encouraging words from Members on both sides of the House for his policy announcement today, but, as he knows, there are still Sirte-like pockets of opposition to his policies from stonewalling councils and knee-jerk ideologues in some unions, including unfortunately the general secretary of the NASUWT, who today claimed that for young people UTCs

"could reduce their employment chances later on."

Does the Secretary of State agree that the best action the shadow Secretary of State can take is to go back to his union paymasters and tell them to drop their opposition to UTCs and free schools and get on board with a policy that is all about social mobility in our country?

Michael Gove: It is very good point by my hon. Friend. The hon. Member for Liverpool, West Derby (Stephen Twigg) is new to the job, but, on the basis of everything that he has said so far, I think that there may be a real change in the Labour party's approach towards the issue, so I encourage him on the path of virtue and say no more than that.

Pat Glass (North West Durham) (Lab): May I clarify the Secretary of State's response to my hon. Friend the Member for Ealing North (Stephen Pound)—that head teachers and teachers in free schools will not be subject to the public sector pay freeze? Will there be any upper limit at all, or will governors and trustees be able to pay those people whatever they want? Will there be a limit so that such teachers cannot pay themselves 20% more than the lowest-paid member of staff?

Michael Gove: Not just free schools and UTCs, but all academies have the freedom to depart from national terms and conditions, and, as a result, teachers in academies, even though they are younger on average than teachers in other maintained schools, are paid on average £1,000 a year more. I personally think that, notwithstanding the real problems we have in dealing with the poisoned economic legacy of the previous Government, we should do everything we can to reward great professionals. Paying teachers more at every level is something that we, across the House, should aspire to do as resources allow.

Matthew Hancock (West Suffolk) (Con): The Secretary of State will know that in West Suffolk we have two proposed free schools at different stages of development to replace closing middle schools. Will he join me in urging parents not only in Brandon, at the Breckland middle school, but in Ixworth and in Stanton to put forward expressions of interest in joining the free schools—whether or not they come through, and I hope that they do—in order to ensure that the project gets off the ground?

Michael Gove: Absolutely. One of the great things about Suffolk as a local authority is that its leader and its lead member for education recognise that, at a time of change, embracing academies and free schools can complement the already great state schools for which they are responsible. As for visionary leadership in local government, you have to go a long way to beat Suffolk.

Alok Sharma (Reading West) (Con): Will the Secretary of State join me in congratulating the All Saints junior free school, which opened its doors in my constituency in September? The reason why parents pressed for it is quite simple: there is huge pressure on school places in Reading, parents and students are not able to obtain their choice of feeder school, and the school's opening will help parents and students throughout Reading.

Michael Gove: I am grateful to my hon. Friend for his support, and I am delighted that Reading is one of the areas benefiting. It is an area of real population growth.

Mr Edward Timpson (Crewe and Nantwich) (Con): It is only right that free schools and, indeed, academies should follow the school admissions code, particularly in relation to the high priority that should be given to looked-after children. Yet, despite having been given that highest priority for many years, there is still a dearth of looked-after children in our best schools. What can the Secretary of State do to encourage new free schools and academies to play their part in raising the social mobility of, in particular, children in care?

Michael Gove: Looked-after children, like children who are eligible for free school meals, are eligible for the pupil premium, which is a strong incentive for free schools either to prioritise admissions or to locate in a way that helps those children. More needs to be done, however, and we will bring forward some proposals, I hope, later this year to help ensure that the whole care and education system is better oriented towards the welfare of looked-after and adopted children.

Andrew Stephenson (Pendle) (Con): I am delighted to welcome the news that the Visions Learning Trust's proposal to create a UTC in east Lancashire has been approved. The bid was sponsored by Rolls-Royce, Fort Vale Engineering, Graham Engineering, Weston EU, Training 2000 and many other significant employers in my constituency. Does the Secretary of Stage agree that, in an area as reliant on manufacturing as Pendle, that is a huge boost to local businesses and jobs?

Michael Gove: Yes, it was a cracking bid, and I am delighted that Pendle will benefit from it.

Patrick Mercer (Newark) (Con): May I thank the Secretary of State for supporting the bids for free schools in Newark? He will share my delight at the Grove school being placed top of the list of priorities by Nottinghamshire county council, but what message does he now have for the Grove?

Michael Gove: I am grateful to my hon. Friend for the way in which he has championed those schools in his constituency that lost out as a result of the unfortunate cancellation of the Building Schools for the Future programme, and I look forward to having a private meeting with him and then discussing how I and my ministerial team can do more to help schools in his constituency.

Dr Thérèse Coffey (Suffolk Coastal) (Con): I was thrilled to receive the letter from Lord Hill stating that the proposed school in Saxmundham has been given clearance to go to the next stage, and I am sure that my right hon. Friend the Secretary of State will join me in thanking parents, community leaders and the Seckford Foundation for taking the scheme further, but what advice does he have for certain head teachers in neighbouring schools who see it as a competitive threat, rather than as a welcome addition to the educational offering in Suffolk?

Michael Gove: The experience so far of existing head teachers, where new free schools have been set up, has been in some cases concern before the application has come forward and, afterwards, some trepidation, but after the school has opened there has been a general recognition that wider choice and an emphasis on helping the most disadvantaged students has helped to raise the prestige and reputation of state education overall, so such proposals should be seen as friendly emulation and not as a threat to any school.

Mr David Ward (Bradford East) (LD): Last week, I visited a school in Bradford, you will not be surprised to hear, Mr Deputy Speaker. Indeed, you will know that it was not in Bingley and Ilkley when I tell you that 60% of the children in one year 3 class were not in it in year 1. We have more than 7,000 in-year starters in our schools, and that exceeds the number of children who start in reception class each year. That is the level of mobility and churn, so will the Secretary of State please tell me how on earth the local education authority is to fulfil its statutory responsibility for the strategic planning of school places at the same time as maintained sector begins to fragment completely?

Michael Gove: I am grateful to my hon. Friend for his question. I appreciate that one of the challenges in Bradford is that we have not just huge population churn, but different communities with different needs and a requirement to ensure that those communities feel that they are part of one Bradford. It is therefore important that, when we bring forward proposals for free schools and the growth in academies, we recognise the achievement of the local authority and of the leadership of existing maintained schools. I hope that, before too long, I will have the chance to come to Bradford and talk to existing and new head teachers about how we can all work together in the interests of Bradford's children.

Mr Rob Wilson (Reading East) (Con): I warmly welcome my right hon. Friend's statement. I am delighted that the new school that I championed in Reading East is moving towards a 2012 opening. Will he confirm that UTCs are an essential addition to choice in our schools and join me in acknowledging the huge contribution that Lord Baker of Dorking has made to this successful programme?

Michael Gove: I am delighted to underline my debt to both Lord Baker of Dorking and my hon. Friend, who was one of the early advocates of free schools and the pupil premium. I am absolutely delighted that this ministerial team is able to take forward proposals that he championed when we were in opposition.

Mr Steve Brine (Winchester) (Con): This morning, I visited Harestock primary school in my constituency, where nearly 20% of pupils have a family member serving our country in the armed forces. The Secretary of State knows how warmly I welcome the new school places that the Government have created, but many of the service parents whom I met this morning are greatly concerned about the availability of school places in the system, as families return from Germany over the next few years. Will the Secretary of State work with his colleagues at the Ministry of Defence to see that those families can come home with some confidence in the next two or three years, instead of feeling fear, as they do currently?

Michael Gove: I absolutely will. Of course, it is for the best of reasons that 14,000 service personnel are returning from Germany; thanks to the inspirational leadership of Baroness Thatcher and Ronald Reagan, we won the cold war and are able now to welcome back the servicemen of the British Army on the Rhine.

We need to make sure that those who have worn the Queen's uniform enjoy the best possible education. The service premium and the additional changes that we are making to the admissions code are part of that. Of course, we have to work with the Ministry of Defence to do so, and I will be delighted to work—for many years to come, I hope—with my right hon. Friend the Member for North Somerset (Dr Fox), who is doing such a great job in championing service families and defending the armed forces covenant.

Mr Deputy Speaker (Mr Nigel Evans): Last but not least, I call Dr John Pugh.

John Pugh (Southport) (LD): To finish on a factual note, how many free school applications have been rejected or declined and what percentage is that of the total?

Michael Gove: More than 200 have been declined. I should emphasise that some of those were free school applications that had significant merits, but required

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additional work to take forward. One of the reasons why only some 50-plus were taken forward is that we wanted to make sure that every free school application was meritorious.

The point was well made by the shadow Education Secretary—the quality and performance of charter schools in the United States was variable. However, in states where the performance of charter schools was strong, a filter had been placed by the authorising authority to make sure that only the best applications went forward. Overall, between a fifth and slightly more than a fifth—I do not know the exact percentage—of proposed schools have been approved. One of the reasons for that is that, like the hon. Gentleman, we want to make sure that when we spend public money, it goes to people who are going to use it in the public interest.

Protection of Freedoms Bill (Programme) (No. 3)

6.33 pm

Mr Deputy Speaker (Mr Nigel Evans): The debate may continue for 45 minutes. I should inform the House that Mr Speaker has selected the amendment on the Order Paper in the name of Mr Edward Leigh.

The Parliamentary Under-Secretary of State for the Home Department (James Brokenshire): I beg to move,

That the Order of 1 March 2011 (Protection of Freedoms Bill (Programme)) be varied as follows—

1. Paragraphs 4 and 5 shall be omitted.

2. Proceedings on consideration and Third Reading shall be concluded in two days.

3. Proceedings on consideration shall be taken on each of those days as shown in the following Table and in the order so shown.

4. Each part of the proceedings shall (so far as not previously concluded) be brought to a conclusion at the time specified in relation to it in the second column of the Table.

First day

Proceedings	*Time for conclusion of proceedings*
New Clauses and New Schedules relating to, and amendments to, Chapter 1 of Part 1.	8.30 pm
New Clauses and New Schedules relating to, and amendments to, Chapter 2 of Part 3.	10 pm

Second day

Proceedings	*Time for conclusion of proceedings*
New Clauses and New Schedules relating to, and amendments to, Chapter 1 of Part 2.	5.30 pm
New Clauses and New Schedules relating to, and amendments to, Part 5.	7.30 pm
New Clauses and New Schedules relating to, and amendments to, Part 4, Chapter 2 of Part 1, Chapter 2 of Part 2, Chapter 1 of Part 3, and Part 6; remaining New Clauses; remaining New Schedules; amendments to Part 7 and remaining proceedings on consideration.	9 pm

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at 10.00 pm on the second day.

The programme motion provides two days for Report and Third Reading, and it follows more than 44 hours of consideration, over 10 days, in Public Bill Committee. During that time, the Committee was able to scrutinise carefully all aspects of the Bill.

In Committee, much of the focus of the debate was on the provisions in respect of the retention of DNA, the further regulation of CCTV, the prohibition on wheel clamping without lawful authority, the changes to counter-terrorism powers and the reform of the vetting and barring scheme and criminal records regime. It is right that those provisions should also be the focus of our deliberations on Report. The programme motion has accordingly been structured to achieve that.

The motion provides for the provisions on the retention of DNA and in respect of parking enforcement to be considered until 10 o'clock this evening. When we resume tomorrow, we will first consider the CCTV clauses, followed by the amendments to the safeguarding and criminal records provisions in part 5. That will allow some time to consider the counter-terrorism and other provisions in the Bill before we move on to Third Reading at 9 o'clock tomorrow evening.

Mr Philip Hollobone (Kettering) (Con): My hon. Friend said that the Government have generously given the House two days at this stage of the proceedings. We have already lost three hours because the Government decided to make three statements to the House; with one hand they provide time generously, but with the other they take that time away.

James Brokenshire: As my hon. Friend will appreciate, there is a balance to be struck in all these proceedings. We maintain that the programme motion strikes that right and appropriate balance in respect of consideration of the Bill.

Andrew Miller (Ellesmere Port and Neston) (Lab): The Minister listed a number of items that the Committee rightly dealt with in great detail. However, it did not cover in any detail the issues raised in new clause 17, which is enormously important to the whole research community. Can the Minister guarantee that time will be available for a debate on that new clause?

James Brokenshire: We have sought to structure the programme motion to enable consideration of the Bill, and that is right and proper for Report. A priority appropriately has to be given to enable scrutiny of the Bill as drafted. Obviously, it is for the House to decide within the programme motion the extent to which it will debate particular clauses, but we have had to strike as fair a balance as we can on the provisions of the Bill to ensure that appropriate scrutiny is applied.

Mr Peter Bone (Wellingborough) (Con): I appreciate that my hon. Friend is a coalition Minister and not a Conservative one; before we got into power, the Conservative party was against having programme motions.

Given that we have lost three hours or so to statements, would not a fair balance have been to have allowed us to go for three hours extra tonight? We have been away from this place for a long time; surely an extra three hours this evening would have been fair. That is what democracy is about—we are not trying to force things through. Let us have three hours extra tonight.

James Brokenshire: My hon. Friend takes the issues of the House extremely seriously, and I respect him for that. The Government have made important changes to how legislation is scrutinised. We are having two days on Report for the Bill, and that is markedly different from what we would have seen from the previous Government; we would have had a day for consideration of a Bill of this kind.

The terms of the programme motion will come as a disappointment to my hon. Friend the Member for Gainsborough (Mr Leigh) and the other right hon. and hon. Members who have put their name to new clause 1. Despite the two days that we have set aside for Report, twice the normal allocation that we were accustomed to seeing in the last Parliament, regrettably it is unlikely that the House will be able to consider all the new clauses tabled for debate.

As I said, the programme motion has been constructed to ensure that there is adequate time to consider the key provisions already in the Bill. I believe that that is the right approach. Although this is not the occasion to consider the substance of new clause 1, which seeks to amend section 5 of the Public Order Act 1986, I fully recognise that the matter is of considerable interest to a number of Members on both sides of the House. That much is clear from the number of right hon. and hon. Members who have added their names to the new clause.

We agree that the issue should be examined further. That is why, in the next few days, we will publish a consultation seeking views on whether section 5 should be amended along the lines proposed by my hon. Friend the Member for Gainsborough. I will be happy to meet him to hear his views on this important issue. Once the consultation has concluded—it will run to early in the new year—the Government will set out their conclusions as quickly as possible, so that they can inform the debate on the issue while the Bill is in another place. I have no doubt that there will be other opportunities for the House to consider section 5, either when we next examine the Bill on its return from the other place or on some other suitable occasion. I can assure my hon. Friend that through the consultation we want to promote debate on this issue, not seek to curtail it, by widening and broadening it outside this House.

Sir Alan Beith (Berwick-upon-Tweed) (LD): I am grateful for what my hon. Friend says, which helps to set in a more attractive context the otherwise uncharacteristic step that was taken by moving new clause 1 to the very end of the Bill's consideration. Is he saying that the Government will facilitate a parliamentary opportunity to legislate if a clear conclusion emerges from these discussions?

James Brokenshire: The timing of the consultation is intended to be such that it can inform proceedings in the other place. There may therefore be time, in the context of the consideration of the Bill as a whole, to be able to address issues that may come through from the consultation. I hope that my hon. Friend the Member for Gainsborough will accept the consultation as a mark of our determination to undertake a proper review of section 5 and that on that basis he will agree not to press his new clause.

We believe that the programme motion strikes the right balance. I commend it to the House and ask Members to support it so that we can get on with debating the important issues that lie within the Bill.

6.41 pm

Mr David Hanson (Delyn) (Lab): I sense that, deep down, the Minister knows that he is on a sticky wicket and that the programme motion is not really adequate for debating the issues before the House.

As the Whip responsible for this Bill, my hon. Friend the Member for Alyn and Deeside (Mark Tami), and his colleagues, would have accepted the programme motion had we not had, as the hon. Member for Kettering (Mr Hollobone) said, three hours of statements, which have taken us up to 6.41 pm. This Bill determines the very important issues of DNA that my right hon. Friend the Member for Kingston upon Hull West and Hessle (Alan Johnson) wishes to discuss, and those discussions will reach their conclusion at 8.30 pm.

Although I disagree with the hon. Member for Gainsborough (Mr Leigh) on those issues, I support his right to say what he wishes about his concerns. His concerns on public order issues will not be debated at all because the programme motion means that we will run out of time. However, I cannot support the hon. Gentleman if he presses his amendment to a vote, for the simple reason that it would knock out the business of my right hon. Friend the Member for Kingston upon Hull West and Hessle regarding the important issues of DNA.

On reflection, the Minister will know that this is an inadequate programme motion that requires an 8.30 pm completion time for important issues of life and death, which is what DNA is about. It is about the prevention of crime, the security of our citizens, and ensuring that our citizens can walk safely, free of fear of crime. Those issues will not be debated at the length that my right hon. Friend wishes. We have had debates in the past when I have sat where the Minister sits and he has sat where I am now. I suspect that if I had come along this evening with a programme motion that provided for one hour and 45 minutes—potentially even one hour and 15 minutes—on DNA, he would be standing here saying what I am saying. As a Minister, I moved programme motions from the Government Front Bench just as the Minister has; I know and respect that fact. I am not averse to programme motions. My hon. Friends the Whips are not averse to programme motions, and, in the past, the Labour Government introduced programme motions. However, there has to be an element of fairness about them. We cannot support a programme motion that gives us, potentially, one hour and 15 minutes on the life and death issue of DNA and upsets the hon. Member for Gainsborough because he is not having a debate at all.

If I had moved that programme motion tonight, the Minister would have opposed it. If I had spoken as he has tonight, he would have opposed it. He will vote for it tonight, but he knows that he would vote against it if he were in my place. In fairness to the Opposition, he should allow time for this debate and reflect on the programme motion. The hon. Member for Wellingborough (Mr Bone) made some sensible points, and we could have further discussions based on those. There is no problem with that. I will happily consider a small Adjournment of the House if Ministers want to discuss this with my hon. Friend the Member for Tynemouth (Mr Campbell). He is an amenable chap. We have worked together in the Home Office and we know about these matters, and he will help us to reach a conclusion.

It is not acceptable to have these major issues debated in this way and rushed through the House. We did not do that when the Minister opposed our proposals on DNA, which were fair and responsible. He needs to reflect on that. If he does not, then I cannot support the hon. Member for Gainsborough for the reasons I have outlined, as much as I wish him to have his say, but I will certainly not support the programme motion, and I ask my hon. Friends to vote against it.

6.45 pm

Mr Edward Leigh (Gainsborough) (Con): I beg to move amendment (a), after "Proceedings" on the first day insert—

'New Clauses relating to the Public Order Act 1986; and'.

I have tabled this amendment to the programme motion because I simply cannot believe that the Government are trying to stifle debate on new clause 1—the only new clause in the Bill to attract support from dozens of Members from all parties in this House. One would have thought that the Government would welcome hon. Members trying to improve the Bill—is that such an outrageous thing? One would have thought that they would welcome the fact that 65 Members have put their names to new clause 1.

On Friday, the Joint Committee on Human Rights produced a voluminous report which says on page 61:

> "We support the amendment of the Public Order Act 1986 to remove all references to offences based on insulting words or behaviour. We consider that this would be a human rights enhancing measure and would remove a risk that these provisions may be applied in a manner which is disproportionate and incompatible with the right to freedom of expression".

One would have thought that surely a Government committed to free speech would realise that this was an important issue and allow some time for new clause 1 to be debated, especially as it is normal, if not a convention, for new clauses to be debated early on Report because they are debated last in our Committees. Because new clauses are often not reached in Committee, it is normal for a Government who want to have open debate to allow them to be debated at an early stage on Report.

This is one of the most extraordinary programme motions that I have seen, because it ensures that no new clauses are debated. Why have the Government done this? For the life of me, I do not know why we are being pushed to the back of the queue. There is no point in having emollient words. There is not some small chance that new clause 1 will be debated; as a result of this programme motion, there is no chance that it will be debated or voted on. We have had three hours of statements, and we now have two hours to debate many important issues. However, we are going to spend an hour and a half on car parking. I am sure that car parking is very important, but so is freedom of debate. How ironic that the Government are using their own powers under guillotine procedure to stifle a debate on freedom of speech. It is an extraordinary situation.

I know that we are discussing my amendment to the programme motion, not new clause 1 itself, but it is worth saying that it is a very modest proposal that seeks only to change one line of legislation, would not cost the Government one penny, and would not affect anything in the manifesto or the coalition agreement. There would have been no harm in our having a civilised debate. Perfectly valid arguments could have been made on both sides of the issue, and the Government would have got their way in the end, so why not have a debate?

I do not want to be unfair to the Government, who have written to me and said that they are now going to have a review. That is strange. We have been campaigning on this for a whole year. For several months, we got the same letters from the Minister that we used to get from the previous Labour Minister, no doubt written by the same civil servant sitting in front of the same potted plants and serving out the same cups of tea. We made no progress whatsoever. Yet suddenly, hey presto, because 65 people are prepared to put their name to new clause 1 and because my amendment is selected for debate, we get this promise of a review. Why is it starting tomorrow or next week? Why did it not start six months ago, when the amendment was put on the Order Paper? Is this a very complex issue? I have not yet been consulted about the issue, and neither have the National Secular Society, which supports the amendment, or the Christian Institute. We are going to have a review, and the only people who will not be consulted formally are those of us in the House of Commons. What a strange situation. Is this not the home of democracy? Is it not beyond the wit of the Government and the programme managers to allow just three quarters of an hour for an important debate about freedom of speech? But no, the one body that will not be allowed to debate the issue is the House of Commons. We are told by the Government, "Oh, don't worry, we'll have this review"—although there can be no debate in the House of Commons—"and then the House of Lords will debate it." However, they could have had such a review months ago. It is hardly rocket science: we are not talking about a technically complicated issue such as trying to reform the entire national health service or anything like that

I say this to hon. Members on both sides of the House: why do Governments—I am not talking about this Government; I mean all Governments—accept amendments only in the House of Lords? Why not here? Why can we not accept the revolutionary proposal that, in a grown-up way, a Member of Parliament might produce a cross-party amendment on a serious issue, the Government could consider it on its merits and it might actually be agreed to? Why do all Governments take the view that they are prepared to accept amendments only in the other place? Frankly, I have never been an enthusiast for House of Lords reform, but I am beginning to think that until the other place is reformed, the Government will never take this place seriously.

We are talking about an important issue that is too serious to delay. There are so many cases, affecting people from all walks of life: demonstrators threatened with seizure of property and arrest under section 5 of the Public Order Act 1986 for protesting against seal culling by using toy seals coloured with red food dye; the young man prosecuted for growling at two Labrador dogs; the countless street preachers harassed by police for daring to mention Bible passages that some people do not like. Just last month, a café owner in Blackpool was told by the police that displaying verses from the New Testament on a video screen was a breach of section 5. What are the police suggesting? That we should cut and paste things from the Bible but leave out things that people do not like? Many people do not like many things from the Bible, but the Bible is the Bible and if people want to quote from it, they should be allowed to do so without PC Plod tapping them on the shoulder and telling them that it is against some piece of legislation.

All those things are happening under section 5 of the 1986 Act. There is something fundamentally wrong with the way it is being used. That needs to be properly debated in the House of Commons and nowhere else. The fact that the Government have agreed—only today, as a result of all the pressure from colleagues—to discuss such matters with outside groups shows that they acknowledge that there is a problem. All I am asking for is a debate. Why are the Government so concerned about our new clause? What we are proposing is hardly radical. It would not leave the police powerless to prevent public disorder. As the former Director of Public Prosecutions, Ken Macdonald, says in his legal opinion on new clause 1, there are plenty of other powers in existence to prevent or prosecute behaviour that is abusive or risks a breach of the peace; indeed, we have always had breach of the peace powers. There are numerous other powers that could be used, but section 5 is being used as a kind of catch-all and is chilling debate.

This is an important issue and the arguments are strong. The Government might even make a concession on it in the Lords—they have as good as admitted it today—in which case why could they not make the same concession here, in the home of democracy? Why do they make concessions only in the other Chamber? I feel passionately about new clause 1 because it is what the Bill is all about. This Bill is called the Protection of Freedoms Bill, but we are not being allowed to debate free speech. I thought that the aim of the Bill was to reverse the widespread erosion of civil liberties in recent years. Well, there is no greater civil liberty than freedom of speech. It is the foundation of our civil freedoms and new clause 1, which is supported by people from all parties, is all about freedom of speech.

6.54 pm

Dr Julian Huppert (Cambridge) (LD): I shall be brief. I am not sure that the hon. Member for Gainsborough (Mr Leigh) and I necessarily agree on all things in this area, but on this we completely agree. I am a signatory to new clause 1, which I am delighted to support. It is essential that we look at this issue. We have heard, for example, that Liberty took up a case where somebody was threatened with prosecution under section 5 of the 1986 Act for peacefully holding a placard that said, "Scientology is not a religion, it is a dangerous cult". That is a matter of opinion rather than a matter for prosecution.

Ben Gummer (Ipswich) (Con): It is also true.

Dr Huppert: So the hon. Gentleman says, from a sedentary position. I tend to agree with him, but that is a topic for another debate.

I entirely support the new clause tabled by the hon. Member for Gainsborough. However, I have concerns about his amendment to the programme motion. I would like the issue debated, but I am concerned because we need to discuss issues such as DNA and fingerprinting. DNA is a topic of particular interest to me, as someone who used to work on it, and we are at risk of reducing

[Dr Huppert]

our debate on it to something like an hour. I am concerned about that, and for that reason I shall not be supporting his amendment to the programme motion, although I support his proposed amendment to the Bill. I very much welcome what the Minister said about how the Government are going to get on with it, and I hope that we will have an opportunity to discuss that in this House.

Mr Bone: The hon. Gentleman is making a fair point. Given what the Opposition spokesman said, does that mean that he will be voting against the programme motion in toto, so that we can have proper debate?

Dr Huppert: It might be tempting to vote against all these things. I would love to see a reform of our entire process, so that time is not taken up on things that the public simply do not understand. However, I will not vote against the programme motion. I have seen what happens in the other place when there are no programme motions, which is filibusters. I do not think that many right hon. or hon. Members in this Chamber could claim that they have not been aware of any filibusters in this House or any efforts to waste time simply to put things off—not necessarily on this occasion, but on a number of others. I would like to see better self-government by this House and the other place, and then we could move away from programme motions.

Mr Hanson: If the hon. Gentleman voted against the programme motion along with my hon. Friends and it was defeated, the Government could, if they wished to, call an Adjournment, negotiate and then draft a new programme motion that covered some of the points raised by Government Members and us. Nothing is finalised; such a programme motion could still be put in place.

Dr Huppert: I have not gone through the right hon. Gentleman's previous speeches on such issues to see what he has said before, but such an Adjournment would take time and would be likely to result in even less time for the debate. We need to move on, and I personally would like to move on in my speech.

I very much welcome what the Minister said about the review. It is important and I look forward to it being introduced into the Bill. However, let me talk about one issue that I have with the programme motion, on which I would be grateful for the Minister's comments. New clause 11, which stands in my name, would repeal provisions in the Digital Economy Act 2010 that the Government have already accepted do not work and which they have accepted they will not use. It would be helpful to debate that, so I would be grateful if the Minister could say whether there will be any opportunity for that to happen. Debating that issue would be helpful, partly because I and others are passionate about supporting the creative industries, and creators have problems with piracy. The 2010 Act's approach to web blocking simply does not work. I would like a debate in this House on the alternatives. I should therefore be grateful if the Minister would comment on the Government's intentions with regard to those provisions in the 2010 Act now, if he will be unable to do so later.

6.58 pm

James Brokenshire: I am grateful for the contributions of a number of right hon. and hon. Members to our consideration of the programme motion. As I said in my opening remarks, we judge it right that the programme motion should be drafted so as to allow this House to scrutinise the key provisions that are actually in the Bill. I appreciate that a number of hon. Members would have wished to amend the Bill to include various other provisions—in particular, given the level of support for new clause 1, the amendment of section 5 of the Public Order Act 1986. My hon. Friend the Member for Gainsborough (Mr Leigh) sought to characterise that as simple or straightforward. However, I would say to him that there are complexities attached, which is why the Government would prefer to consider and reflect on the matter carefully, and to enable a public consultation to take place so as to ensure that all relevant issues are considered in the round and to inform the debate. It is worth mentioning that section 5 of the 1986 Act covers issues such as swearing at police officers and the case against the poppy burning on Remembrance day. It is therefore appropriate to ensure proper consultation before taking any action.

However, I reiterate that the intent is to move quickly to enable consideration of the results of the consultation in another place. Obviously, the consultation will provide an opportunity for hon. Members, the Christian Institute, the police and many others to set out their views, and I look forward to the debate and to meeting my hon. Friend the Member for Gainsborough to hear his views at first hand.

The hon. Member for Cambridge (Dr Huppert) mentioned the Digital Economy Act 2010. He will be aware that the Government announced in August that they did not intend to commence sections 17 and 18 of the Act. There might not be time to debate his new clause, but we are now working on a wide-scale review of the communications sector with a view to publishing a Green Paper by the spring of next year, and a draft Bill by mid-2013. Policy on tackling online copyright infringement, including site-blocking, is being considered as part of that review and, given our intention to conduct that wide-ranging review, it would be premature to act now to repeal sections 17 and 18 of the Act in isolation from any other legislative changes that might be needed.

We believe that the programme motion is right to focus on the provisions of the Bill to ensure that this House is able to apply appropriate scrutiny to the legislation before us. We have introduced important changes. I welcome the right hon. Member for Delyn (Mr Hanson) to his new position in the shadow home affairs team—he and I have had a number of debates on these issues, in relation to the Bill and elsewhere—but I think that some of his comments were a bit rich, because I can certainly remember previous occasions on which we have had less time than we have tonight to debate important legislation. This Government have made important changes that will allow us to debate these matters for two days, rather than rushing them through in one day, as would have happened in the past. I therefore commend the programme motion to the House.

Question put, That the amendment be made.

The House divided: Ayes 62, Noes 243.

Division No. 354] **[7.1 pm**

AYES

Afriyie, Adam
Aldous, Peter
Baker, Steve
Baron, Mr John
Bebb, Guto
Beith, rh Sir Alan
Binley, Mr Brian
Brady, Mr Graham
Bridgen, Andrew
Bruce, Fiona
Cairns, Alun
Campbell, Mr Ronnie
Chope, Mr Christopher
Connarty, Michael
Crouch, Tracey
Davies, Philip
Davis, rh Mr David
Dobbin, Jim
Donaldson, rh Mr Jeffrey M.
Drax, Richard
Durkan, Mark
Field, rh Mr Frank
Godsiff, Mr Roger
Gray, Mr James
Gummer, Ben
Hart, Simon
Heaton-Harris, Chris
Hemming, John
Henderson, Gordon
Hoey, Kate
Hosie, Stewart
Jenkin, Mr Bernard
Knight, rh Mr Greg
Lefroy, Jeremy
Leigh, Mr Edward
Lewis, Dr Julian
Llwyd, rh Mr Elfyn
Lucas, Caroline
MacNeil, Mr Angus Brendan
Main, Mrs Anne
McCabe, Steve
McCartney, Karl
McCrea, Dr William
McDonnell, John
Mills, Nigel
Nuttall, Mr David
Pasley, Ian
Raab, Mr Dominic
Redwood, rh Mr John
Robertson, Angus
Sandys, Laura
Soames, rh Nicholas
Turner, Mr Andrew
Vickers, Martin
Walker, Mr Charles
Walter, Mr Robert
Weir, Mr Mike
Wharton, James
Whittaker, Craig
Whittingdale, Mr John
Williams, Hywel
Wishart, Pete

Tellers for the Ayes:
Mr Philip Hollobone and
Mr Peter Bone

NOES

Amess, Mr David
Andrew, Stuart
Arbuthnot, rh Mr James
Bacon, Mr Richard
Baker, Norman
Barwell, Gavin
Bellingham, Mr Henry
Benyon, Richard
Beresford, Sir Paul
Berry, Jake
Bingham, Andrew
Birtwistle, Gordon
Blackwood, Nicola
Blunt, Mr Crispin
Boles, Nick
Bradley, Karen
Brake, rh Tom
Bray, Angie
Brazier, Mr Julian
Brokenshire, James
Brooke, Annette
Browne, Mr Jeremy
Bruce, rh Malcolm
Buckland, Mr Robert
Burley, Mr Aidan
Burns, Conor
Burns, rh Mr Simon
Burstow, Paul
Burt, Alistair
Burt, Lorely
Byles, Dan
Cable, rh Vince
Carmichael, rh Mr Alistair
Carmichael, Neil
Chishti, Rehman
Clappison, Mr James
Clark, rh Greg
Clarke, rh Mr Kenneth
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Colvile, Oliver
Cox, Mr Geoffrey
Davey, Mr Edward
Davies, David T. C.
(Monmouth)
Davies, Glyn
de Bois, Nick
Djanogly, Mr Jonathan
Dorrell, rh Mr Stephen
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellison, Jane
Ellwood, Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Graham
Evans, Jonathan
Evennett, Mr David
Fabricant, Michael
Fallon, Michael
Farron, Tim
Featherstone, Lynne
Field, Mr Mark
Flynn, Paul
Foster, rh Mr Don
Fox, rh Dr Liam
Francois, rh Mr Mark
Freeman, George
Freer, Mike
Fullbrook, Lorraine
Fuller, Richard
Garnier, Mark
George, Andrew
Gibb, Mr Nick
Glen, John
Goodwill, Mr Robert
Graham, Richard
Grant, Mrs Helen
Grayling, rh Chris
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Halfon, Robert
Hammond, Stephen
Hancock, Mr Mike
Hands, Greg
Harper, Mr Mark
Harrington, Richard
Harris, Rebecca
Harvey, Nick
Haselhurst, rh Sir Alan
Heald, Oliver
Heath, Mr David
Herbert, rh Nick
Hinds, Damian
Hoban, Mr Mark
Hollingbery, George
Hopkins, Kris
Horwood, Martin
Howarth, Mr Gerald
Howell, John
Hunter, Mark
Huppert, Dr Julian
Hurd, Mr Nick
James, Margot
Javid, Sajid
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, Mr David
Jones, Mr Marcus
Kelly, Chris
Kirby, Simon
Kwarteng, Kwasi
Laing, Mrs Eleanor
Lamb, Norman
Lancaster, Mark
Latham, Pauline
Laws, rh Mr David
Leadsom, Andrea
Lee, Jessica
Lee, Dr Phillip
Leech, Mr John
Leslie, Charlotte
Lewis, Brandon
Liddell-Grainger, Mr Ian
Lloyd, Stephen
Lopresti, Jack
Lord, Jonathan
Loughton, Tim
Macleod, Mary
Maude, rh Mr Francis
May, rh Mrs Theresa
Maynard, Paul
McIntosh, Miss Anne
McLoughlin, rh Mr Patrick
McPartland, Stephen
McVey, Esther
Mensch, Louise
Menzies, Mark
Mercer, Patrick
Metcalfe, Stephen
Miller, Maria
Milton, Anne
Moore, rh Mr Michael
Morgan, Nicky
Morris, Anne Marie
Morris, David
Morris, James
Mosley, Stephen
Mowat, David
Mulholland, Greg
Munt, Tessa
Murray, Sheryll
Murrison, Dr Andrew
Neill, Robert
Newmark, Mr Brooks
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Offord, Mr Matthew
Ollerenshaw, Eric
Opperman, Guy
Ottaway, Richard
Parish, Neil
Paterson, rh Mr Owen
Pawsey, Mark
Penning, Mike
Penrose, John
Perry, Claire
Phillips, Stephen
Pickles, rh Mr Eric
Pincher, Christopher
Poulter, Dr Daniel
Prisk, Mr Mark
Pugh, John
Rees-Mogg, Jacob
Reevell, Simon
Reid, Mr Alan
Rifkind, rh Sir Malcolm
Robathan, rh Mr Andrew
Robertson, Mr Laurence
Rogerson, Dan
Rosindell, Andrew
Rudd, Amber
Ruffley, Mr David
Russell, Bob
Rutley, David
Sanders, Mr Adrian
Scott, Mr Lee
Selous, Andrew
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simmonds, Mark
Simpson, Mr Keith
Skidmore, Chris
Smith, Miss Chloe
Smith, Henry
Smith, Julian
Smith, Sir Robert

Soubry, Anna
Spencer, Mr Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, Mel
Stuart, Mr Graham
Stunell, Andrew
Sturdy, Julian
Swire, rh Mr Hugo
Syms, Mr Robert
Tapsell, rh Sir Peter
Teather, Sarah
Timpson, Mr Edward
Tomlinson, Justin
Tredinnick, David
Tyrie, Mr Andrew
Uppal, Paul
Vara, Mr Shailesh
Wallace, Mr Ben
Ward, Mr David
Watkinson, Angela
Weatherley, Mike
Webb, Steve
Wheeler, Heather
White, Chris
Williams, Mr Mark
Williams, Roger
Williams, Stephen
Williamson, Gavin
Wilson, Mr Rob
Wollaston, Dr Sarah
Wright, Jeremy
Wright, Simon
Young, rh Sir George
Zahawi, Nadhim

Tellers for the Noes:
Bill Wiggin and
Stephen Crabb

Question accordingly negatived.

Main Question put.

The House divided: Ayes 275, Noes 233.

Division No. 355] **[7.15 pm**

AYES

Afriyie, Adam
Aldous, Peter
Amess, Mr David
Andrew, Stuart
Arbuthnot, rh Mr James
Bacon, Mr Richard
Baker, Norman
Barwell, Gavin
Bebb, Guto
Beith, rh Sir Alan
Bellingham, Mr Henry
Benyon, Richard
Beresford, Sir Paul
Berry, Jake
Bingham, Andrew
Birtwistle, Gordon
Blackwood, Nicola
Blunt, Mr Crispin
Boles, Nick
Bradley, Karen
Brake, rh Tom
Bray, Angie
Brazier, Mr Julian
Bridgen, Andrew
Brine, Mr Steve
Brokenshire, James
Brooke, Annette
Browne, Mr Jeremy
Bruce, Fiona
Bruce, rh Malcolm
Buckland, Mr Robert
Burley, Mr Aidan
Burns, Conor
Burns, rh Mr Simon
Burstow, Paul
Burt, Alistair
Burt, Lorely
Byles, Dan
Cable, rh Vince
Cairns, Alun
Carmichael, rh Mr Alistair
Carmichael, Neil
Chishti, Rehman
Clappison, Mr James
Clarke, rh Mr Kenneth
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Colvile, Oliver
Cox, Mr Geoffrey
Crabb, Stephen
Crockart, Mike
Crouch, Tracey
Davey, Mr Edward
Davies, David T. C.
(Monmouth)
Davies, Glyn
de Bois, Nick
Djanogly, Mr Jonathan
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duncan Smith, rh Mr Iain
Ellis, Michael
Ellison, Jane
Ellwood, Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Graham
Evans, Jonathan
Evennett, Mr David
Fabricant, Michael
Farron, Tim
Featherstone, Lynne
Field, Mr Mark
Foster, rh Mr Don
Fox, rh Dr Liam
Francois, rh Mr Mark
Freeman, George
Freer, Mike
Fullbrook, Lorraine
Fuller, Richard
Garnier, Mark
Gauke, Mr David
George, Andrew
Gibb, Mr Nick
Glen, John
Goodwill, Mr Robert
Graham, Richard
Grant, Mrs Helen
Gray, Mr James
Grieve, rh Mr Dominic
Griffiths, Andrew
Gummer, Ben
Gyimah, Mr Sam
Halfon, Robert
Hammond, Stephen
Hancock, Mr Mike
Hands, Greg
Harper, Mr Mark
Harrington, Richard
Harris, Rebecca
Hart, Simon
Harvey, Nick
Haselhurst, rh Sir Alan
Heald, Oliver
Heath, Mr David
Heaton-Harris, Chris
Hemming, John
Henderson, Gordon
Herbert, rh Nick
Hinds, Damian
Hoban, Mr Mark
Hollingbery, George
Hopkins, Kris
Horwood, Martin
Howarth, Mr Gerald
Howell, John
Huppert, Dr Julian
Hurd, Mr Nick
James, Margot
Javid, Sajid
Jenkin, Mr Bernard
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, Mr David
Jones, Mr Marcus
Kelly, Chris
Kirby, Simon
Knight, rh Mr Greg
Kwarteng, Kwasi
Laing, Mrs Eleanor
Lamb, Norman
Lancaster, Mark
Latham, Pauline
Laws, rh Mr David
Leadsom, Andrea
Lee, Jessica
Lee, Dr Phillip
Leech, Mr John
Lefroy, Jeremy
Leslie, Charlotte
Lewis, Brandon
Lewis, Dr Julian
Liddell-Grainger, Mr Ian
Lilley, rh Mr Peter
Lloyd, Stephen
Lopresti, Jack
Lord, Jonathan
Loughton, Tim
Macleod, Mary
Maude, rh Mr Francis
May, rh Mrs Theresa
Maynard, Paul
McCartney, Karl
McIntosh, Miss Anne
McLoughlin, rh Mr Patrick
McPartland, Stephen
McVey, Esther
Mensch, Louise
Menzies, Mark
Mercer, Patrick
Metcalfe, Stephen
Miller, Maria
Mills, Nigel
Milton, Anne
Moore, rh Michael
Mordaunt, Penny
Morgan, Nicky
Morris, Anne Marie
Morris, David
Morris, James
Mosley, Stephen
Mulholland, Greg
Munt, Tessa
Murray, Sheryll
Murrison, Dr Andrew
Neill, Robert
Newmark, Mr Brooks
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Offord, Mr Matthew
Ollerenshaw, Eric
Opperman, Guy
Ottaway, Richard
Parish, Neil
Paterson, rh Mr Owen
Pawsey, Mark
Penning, Mike
Penrose, John
Perry, Claire
Phillips, Stephen
Pickles, rh Mr Eric
Pincher, Christopher
Poulter, Dr Daniel
Prisk, Mr Mark
Pugh, John
Raab, Mr Dominic
Redwood, rh Mr John
Rees-Mogg, Jacob
Reevell, Simon
Reid, Mr Alan
Robathan, rh Mr Andrew
Robertson, Mr Laurence
Rogerson, Dan
Rosindell, Andrew
Rudd, Amber
Ruffley, Mr David
Russell, Bob
Rutley, David
Sanders, Mr Adrian
Sandys, Laura
Scott, Mr Lee
Selous, Andrew
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simmonds, Mark
Simpson, Mr Keith
Skidmore, Chris
Smith, Miss Chloe
Smith, Henry
Smith, Julian
Smith, Sir Robert

Soames, rh Nicholas
Soubry, Anna
Spencer, Mr Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, Mel
Stuart, Mr Graham
Stunell, Andrew
Sturdy, Julian
Swayne, rh Mr Desmond
Swire, rh Mr Hugo
Syms, Mr Robert
Tapsell, rh Sir Peter
Teather, Sarah
Thurso, John
Timpson, Mr Edward
Tomlinson, Justin
Tredinnick, David
Tyrie, Mr Andrew
Uppal, Paul
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Mrs Theresa
Walker, Mr Charles
Wallace, Mr Ben
Walter, Mr Robert
Ward, Mr David
Watkinson, Angela
Weatherley, Mike
Webb, Steve
Wharton, James
Wheeler, Heather
White, Chris
Whittaker, Craig
Whittingdale, Mr John
Wiggin, Bill
Williams, Mr Mark
Williams, Roger
Williams, Stephen
Williamson, Gavin
Wilson, Mr Rob
Wollaston, Dr Sarah
Wright, Jeremy
Wright, Simon
Yeo, Mr Tim
Young, rh Sir George
Zahawi, Nadhim

Tellers for the Ayes:
Mark Hunter and
Mr Philip Dunne

NOES

Abbott, Ms Diane
Abrahams, Debbie
Ainsworth, rh Mr Bob
Alexander, rh Mr Douglas
Alexander, Heidi
Allen, Mr Graham
Anderson, Mr David
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bain, Mr William
Baker, Steve
Balls, rh Ed
Banks, Gordon
Barron, rh Mr Kevin
Beckett, rh Margaret
Begg, Dame Anne
Bell, Sir Stuart
Benn, rh Hilary
Berger, Luciana
Betts, Mr Clive
Blackman-Woods, Roberta
Blenkinsop, Tom
Blomfield, Paul
Bone, Mr Peter
Bradshaw, rh Mr Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr Nicholas
Brown, Mr Russell
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burnham, rh Andy
Byrne, rh Mr Liam
Campbell, Mr Alan
Campbell, Mr Ronnie
Chapman, Mrs Jenny
Clark, Katy
Clarke, rh Mr Tom
Clwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cunningham, Alex
Cunningham, Mr Jim
Cunningham, Tony
Curran, Margaret
Dakin, Nic
Danczuk, Simon
Darling, rh Mr Alistair
David, Mr Wayne
Davidson, Mr Ian
Davies, Geraint
Davies, Philip
De Piero, Gloria
Denham, rh Mr John
Dobbin, Jim
Dobson, rh Frank
Docherty, Thomas
Donaldson, rh Mr Jeffrey M.
Donohoe, Mr Brian H.
Dowd, Jim
Doyle, Gemma
Dromey, Jack
Dugher, Michael
Durkan, Mark
Eagle, Ms Angela
Eagle, Maria
Efford, Clive
Elliott, Julie
Ellman, Mrs Louise
Engel, Natascha
Esterson, Bill
Evans, Chris
Farrelly, Paul
Field, rh Mr Frank
Fitzpatrick, Jim
Flello, Robert
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Francis, Dr Hywel
Gardiner, Barry
Gilmore, Sheila
Glass, Pat
Glindon, Mrs Mary
Godsiff, Mr Roger
Goggins, rh Paul
Goodman, Helen
Greatrex, Tom
Green, Kate
Greenwood, Lilian
Griffith, Nia
Gwynne, Andrew
Hain, rh Mr Peter
Hamilton, Mr David
Hamilton, Fabian
Hanson, rh Mr David
Harris, Mr Tom
Havard, Mr Dai
Healey, rh John
Hepburn, Mr Stephen
Hillier, Meg
Hilling, Julie
Hoey, Kate
Hollobone, Mr Philip
Hopkins, Kelvin
Hosie, Stewart
Hunt, Tristram
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs Siân C.
Jamieson, Cathy
Jarvis, Dan
Johnson, rh Alan
Johnson, Diana
Jones, Helen
Jones, Susan Elan
Joyce, Eric
Kendall, Liz
Khan, rh Sadiq
Lazarowicz, Mark
Leigh, Mr Edward
Leslie, Chris
Lewis, Mr Ivan
Lloyd, Tony
Love, Mr Andrew
Lucas, Caroline
Lucas, Ian
MacNeil, Mr Angus Brendan
MacShane, rh Mr Denis
Mactaggart, Fiona
Mahmood, Shabana
Mann, John
Marsden, Mr Gordon
McCabe, Steve
McCann, Mr Michael
McCarthy, Kerry
McClymont, Gregg
McCrea, Dr William
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr Pat
McGovern, Alison
McGovern, Jim
McGuire, rh Mrs Anne
McKechin, Ann
McKenzie, Mr Iain
McKinnell, Catherine
Mearns, Ian
Michael, rh Alun
Miller, Andrew
Mitchell, Austin
Moon, Mrs Madeleine
Morden, Jessica
Morrice, Graeme *(Livingston)*
Morris, Grahame M. *(Easington)*
Munn, Meg
Murphy, rh Mr Jim
Murphy, rh Paul
Murray, Ian
Nandy, Lisa
Nash, Pamela
Nuttall, Mr David
O'Donnell, Fiona
Onwurah, Chi
Osborne, Sandra
Owen, Albert
Paisley, Ian
Pearce, Teresa
Perkins, Toby
Pound, Stephen
Qureshi, Yasmin
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Riordan, Mrs Linda
Robertson, Angus
Robertson, John
Robinson, Mr Geoffrey
Rotheram, Steve
Roy, Mr Frank
Roy, Lindsay
Ruane, Chris
Sarwar, Anas
Seabeck, Alison
Sharma, Mr Virendra
Sheerman, Mr Barry
Shuker, Gavin
Skinner, Mr Dennis
Slaughter, Mr Andy
Smith, rh Mr Andrew
Smith, Angela
Smith, Nick
Smith, Owen
Spellar, rh Mr John
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr Gerry
Tami, Mark
Thomas, Mr Gareth
Thornberry, Emily
Timms, rh Stephen
Trickett, Jon
Turner, Mr Andrew
Turner, Karl
Twigg, Derek
Twigg, Stephen
Umunna, Mr Chuka
Vaz, rh Keith
Vaz, Valerie
Walley, Joan
Watson, Mr Tom
Watts, Mr Dave
Weir, Mr Mike
Whitehead, Dr Alan
Williams, Hywel
Williamson, Chris

Wilson, Phil
Winnick, Mr David
Winterton, rh Ms Rosie
Wishart, Pete
Woodcock, John
Wright, David
Wright, Mr Iain

Tellers for the Noes:
Graham Jones and
Mark Hendrick

Question accordingly agreed to.

PROTECTION OF FREEDOMS BILL (WAYS AND MEANS)

Resolved,

That, for the purposes of any Act resulting from the Protection of Freedoms Bill, it is expedient to authorise—

(1) the making of provision under the Act in relation to income tax, corporation tax, capital gains tax, stamp duty, stamp duty reserve tax or stamp duty land tax in connection with the transfer of property, rights or liabilities to the Disclosure and Barring Service by a transfer scheme; and

(2) the charging of fees in connection with making datasets, or parts of datasets, available for re-use.—*(Lynn Featherstone).*

Protection of Freedoms Bill

[1st Allocated day]

Consideration of Bill, as amended in the Public Bill Committee

Clause 3

PERSONS ARRESTED FOR OR CHARGED WITH A QUALIFYING OFFENCE

7.30 pm

Alan Johnson (Kingston upon Hull West and Hessle) (Lab): I beg to move amendment 89, page 3, line 43, leave out from 'offence' to end of line 44.

Madam Deputy Speaker (Dawn Primarolo): With this it will be convenient to discuss the following:.

Government amendment 1.

Amendment 91, page 4, line 2, leave out '3' and insert '6'.

Amendment 92, page 4, line 4, leave out '3' and insert '6'.

Government amendments 2 to 5.

Amendment 94, in clause 4, page 5, line 32, at end insert

'Otherwise the retention period is 6 years.'.

Amendment 83, page 5, line 34, at end add—

'(4) If the person was under the age of 18 at the time of the offence the retention period is three years.'.

Government amendment 6.

Amendment 84, in clause 9, page 8, line 5, after 'retained', insert

'for an initial period of six years, then'.

Government amendment 7.

Amendment 108, in clause 20, page 13, line 26, leave out from 'must' to end of line 28 and insert—

'place a report in both Houses, after consultation with the Association of Chief Police Officers (ACPO), on the suitability of a Commissioner for the Retention and Use of Biometric Material (referred to in this section and sections 21 and 22 as "the Commissioner".

'(1A) Subject to the approval of a report laid under subsection (1) by resolution of both Houses of Parliament, the Secretary of State may appoint a Commissioner to be known as the Commissioner for the Retention and Use of Biometric Material.'.

Government amendments 8 to 15.

Amendment 109, in clause 25, page 16, line 27, at end insert—

'(1A) The provisions of this Chapter may not come into force until the conditions of 20(1) have been met.'.

Amendment 85, page 16, line 33, leave out '3' and insert '6'.

Amendment 86, page 16, line 39, leave out '3' and insert '6'.

Amendment 87, page 17, line 1, leave out '3' and insert '6'.

Amendment 88, page 17, line 4, after 'derived', insert '6 years or more'.

Amendment 82, page 17, line 9, at end insert—

'(d) in the case of material taken or derived less than six years before the commencement day from a person who—

(i) was arrested for, or charged with, the offence and

(ii) has not been convicted of the offence,

the destruction of the material at the end of the period of six years beginning with the day on which the material was taken or derived.'

Government amendments 33 to 38, 65, 66, 72 and 73.

Alan Johnson: There are several amendments in this group that seek to maintain the current position on DNA retention, as agreed by this House in April 2010 under the Crime and Security Act 2010. We have debated this issue many times, so Members will know that the argument centres around for how long the DNA of those arrested or charged but not convicted should remain on the database. The Government say the period should be three years for those arrested but not convicted of a serious offence—the so-called Scottish model—whereas we say it should be six years if arrested but not convicted of any recordable offence, as agreed, by this House 18 months ago.

I realise that I am susceptible to the charge of being an old, sad former Home Secretary revisiting the scene of previous debates, and I may well be guilty of that, but let me explain why I, and colleagues on both sides of the House, have proposed these amendments. When I was Home Secretary—and the newly appointed shadow Minister, my right hon. Friend the Member for Delyn (Mr Hanson), was the police Minister—we took a lot of time and trouble over this topic. We looked at all the available research before coming down in favour of a period of six years. I hope I can convince the House that we made the right decision in 2010 and that moving to the so-called Scottish model would be a terrible and potentially disastrous mistake.

This is a cross-party amendment. It is sponsored by the hon. Members for Kettering (Mr Hollobone) and for Bury North (Mr Nuttall) as well as the five supporters whose names appear, along with mine, on the amendment paper: my right hon. Friends the Members for Salford and Eccles (Hazel Blears) and for Delyn, my hon. Friend the Member for Mitcham and Morden (Siobhain McDonagh), and the hon. Members for Brigg and Goole (Andrew Percy) and for Shipley (Philip Davies).

That DNA is the most important breakthrough in modern policing, and a science in which Britain leads the world, is incontestable. It provides the police with 3,300 matches to crime scenes each month, which amount to almost 40,000 a year. It has led to forensics—the use of DNA and fingerprints—being the critical information in securing a quarter of primary detections in routine crimes such as burglary and car crime in England and Wales, as against only 6% in the mid-1990s. It has made a contribution to the huge decline in those crimes. It has also transformed the ability to detect the perpetrators of the most serious crimes: murder, manslaughter and rape. There were 832 positive matches in 2009. The European Court of Human Rights has accepted that the use of DNA evidence can make a valuable contribution to the prevention and detection of crime and the protection of the crucial rights to life, liberty and security. It said that any mechanism for the retention of biometric material must be justified as both necessary and proportionate to a legitimate aim.

There is no question but that those convicted of a recordable offence should have their DNA stored indefinitely; that is not a point between us in this House. It is necessary but insufficient, as the Government apparently accept which is why they seek to go further. The European Court ruled that indiscriminately keeping the DNA of those arrested but not convicted of a recordable offence was not proportionate. It breached the famous article 8 on the right to privacy and family life, which after last week's shenanigans may well be known from now on as "the cat's clause". *[Interruption.]* That sounded good in front of the bathroom mirror this morning! The issue therefore is for how long the DNA of those arrested but not charged or convicted should be retained, consistent with the principle of necessity and proportionality. The Government say three years, in accordance with the so-called Scottish model; we say six years, in accordance with all the evidence.

It is worth mentioning that the Crime and Security Act 2010 broke from the Scottish model in not retaining the physical material from which the DNA is derived. That must be destroyed within six months after it has been translated into a series of numbers known as a DNA profile. This meets an important criticism by the European Court and addresses the concerns of those who are rightly worried about the purposes to which such genomes could be put. The Scottish model retains the DNA of those arrested but not convicted of serious offences only for three years, with a provision for a two-year extension that is so complex, bureaucratic and time-consuming that it has never been used or even applied for.

The three-year retention period used in Scotland is not based on any evidence or analysis that I can find. The figure appears to have been plucked from the air. The Minister will tell us that a review of the Scottish system by a Professor Fraser a year after it was introduced proves that the system works, but that review did not assess whether a longer retention period would be beneficial or whether retention for three years was detrimental to solving serious crimes. The retention of the DNA of those arrested but not convicted can be justified as necessary and proportionate under the terms of the European Court's decision if their risk of being re-arrested is higher than that of the general population. Analysis conducted by the Home Office suggests that that is indeed the case and that the risk falls to that of the level of the rest of the population gradually over a period of six years. It dips after three years, but it leaves a significant tail that is not eradicated until after six years.

This analysis also established that the propensity to be re-arrested is not determined at all by the nature of the original alleged offence; in other words, there is no case for maintaining the DNA of those arrested but not convicted of serious offences. For instance, Mark Dixie, the murderer of Sally Anne Bowman, had his DNA taken because he was involved in a pub brawl—a minor offence. The provisions in the 2010 Act which we seek to retain are therefore based on evidence, unlike the Scottish model which is based on no evidence whatever.

The coalition partners decided to adopt the Scottish model when they were in opposition, since when they have struggled to make the facts fit their policy, rather than their policy fit the facts. Therefore, every so often they ask for a new hazard curve—the research that was done when I was Home Secretary—the latest of which they have published and circulated, claiming, tendentiously, that it is broadly supportive of the approach taken by

[Alan Johnson]

the Government. That is so in the way that health professionals broadly support the Government's NHS reforms. This supposed new research comes up with an absolute minimum of three years, a wide variance and a health warning about the size of the data sample.

I have also today seen a piece of Home Office research that the Department sought to bury, and which was painfully extracted from it through freedom of information requests. My right hon. Friend the Member for Delyn will say more about this, but it shows that 23,000 people every year who would be on the DNA database under our proposals but not under the Bill as it currently stands will go on to commit further offences. That illustrates the scale of the crime and security problems that will be created if the House defeats this amendment and supports the Government policy.

Mrs Anne Main (St Albans) (Con): I am intrigued by the figures the right hon. Gentleman cites. Is he suggesting that being on the database for longer is a deterrent, and if so, why would people go on to offend?

Alan Johnson: Potential rapists, murderers, burglars and car thieves knowing about the science of DNA is certainly a deterrent. The argument here, which the Home Office shares both under its new management and its old management, is that we need to look at that hazard curve. The propensity of those arrested to be rearrested is much higher than for the general population. The crucial issue is how long it takes for that curve to even out. If we do not find that out and set this accurately, we will wipe the DNA of people who are likely to commit more crimes—some of them the most serious crimes—and not have the DNA to find and convict them.

The Government persist in seeking to apply the Scottish model in England and Wales, when all the evidence and the very strong police advice—from both sides of the border—is that Scotland should apply the model of England and Wales. Scotland's rape conviction rate is less than half that of England and Wales. The DNA database in Scotland is far less effective in solving crime than that in England and Wales. In 2009-10, a DNA profile loaded on to the DNA database in England and Wales had an 18% higher chance of finding a match than was the case in Scotland. In 2008-09, 79 rape, murder or manslaughter cases were matched from DNA profiles belonging to individuals who had been arrested but not convicted, 36 of them for non-serious offences. The chief constable of the west midlands, who leads on this issue for the Association of Chief Police Officers, estimates a loss of about 1,000 matches per year if we use three rather than six years.

Let us, for a moment, turn those dry statistics into the actual facts about the people we are here to protect. Abdul Azad was arrested for violent disorder—a non-serious offence—in his Birmingham home in February 2005. A DNA sample was taken and he was released without charge. Five months later, a stranger rape occurred in Stafford, 25 miles away. There were no clues until skin from beneath the victim's fingernails was profiled and was found to match the DNA taken from Azad. The senior investigating officer said:

> "We would never have caught him had his DNA not already been on the database".

He continued:

> "He didn't even live locally so we had no intelligence leads either."

Under the Government proposals before the House today, this rapist would have escaped justice.

Mr David Hanson (Delyn) (Lab): Does my right hon. Friend accept that not only would this person not have been caught, but he may well have committed further offences? That answers the point made by the hon. Member for St Albans (Mrs Main) about why it is important that we take action on this database.

Alan Johnson: Given that we know that the nature of rapists is to rape again if they get away with it, that is a very important point.

Mr Pat McFadden (Wolverhampton South East) (Lab): My right hon. Friend is making a powerful case. Will he speculate as to why the Government are doing this? Does he agree that it is based on the wrong-headed analysis that somehow the last Labour Government created a quasi-police state? If the Government start from that view, they will end up with legislation that does not protect the public, but puts them at greater risk. A few weeks ago, we saw that with the watering down of the protections against terrorism and now we see it with this proposal. Why are the Government so addicted to watering down the protection of the public?

Alan Johnson: It puzzles me. The Under-Secretary of State for the Home Department, the hon. Member for Old Bexley and Sidcup (James Brokenshire), is an honourable man. He was engaged in these debates in 2010 when the Labour Government were proposing what became the Crime and Security Act. I thought that things would have moved on since then. I read the record of the Committee stage of this Bill and saw the arguments put forward by my hon. Friend the Member for Eltham (Clive Efford), and I find the paucity of the Government's case astounding. They latched on to something called the Scottish model. Incidentally, nobody has challenged me about there being no basis of any research for the three-year provision—Labour was in power, by the way, so I am not knocking other parties. This was a figure plucked out of the air. The Government are reluctant to examine this issue on the basis of the evidence, even to the extent of completely ignoring the police, who do have a bit of expertise in this area.

In 1995, a 17-year-old girl was walking home from a night out in Banbury when she was forced into a car by two men, taken to an isolated area and repeatedly raped. In 2003, Lee Ainsby was arrested for being drunk and disorderly, and a DNA sample was taken. Two years later, in 2005, the evidence from the rape case was re-analysed and the DNA profiles were loaded into the national database—one matched, that of Lee Ainsby. He had committed a non-serious offence and he would not have been on that database under the Government's proposals. A sample taken from his brother matched the second sample and so both of those rapists were caught and convicted.

7.45 pm

The Parliamentary Under-Secretary of State for the Home Department (James Brokenshire): I just wish to check on the point that the right hon. Gentleman made about that case. I believe he said that this individual had been convicted. As he knows, under the arrangements—I think that there is agreement on this point—where there is a conviction, the DNA would be retained indefinitely.

Alan Johnson: I did not say that this individual had been convicted. He had been arrested but not charged of a non-serious offence and his DNA remained on the database. The Minister has all these statistics—the Home Office provided me with them, so it can provide him with them too.

Gareth Johnson (Dartford) (Con): Will the right hon. Gentleman concede that unless we take the DNA of every man, woman and child in the country there will always be instances when DNA is found at the scene and not matched with any offender?

Alan Johnson: I will not concede that argument because, as I said at the beginning, our job, in accordance with the European Court of Human Rights judgment, was to come up with something that is necessary and proportionate. There has to be a logic to this; we cannot have blanket and indiscriminate retention of DNA. Because that is the requirement on us, we need to examine and research, as the Home Office and others have done, the hazard curve for those arrested but not convicted—that is the whole nature of this debate. The Government are not proposing to not keep the DNA of those arrested but not convicted, they are not proposing to take the DNA on conviction and they are not proposing to take the DNA when someone is charged. They are taking the DNA of those arrested but not convicted—innocent—for a reason; they think that it should be kept for three years, with various permutations and lots of complications. Labour Members say that six years is the correct level.

I shall give a final example, because it is important to translate all this into people rather than statistics. In June 2009, Gary Grubb attacked two women while working temporarily in Middlesbrough, indecently assaulting them both and then fleeing for South Africa. However, a DNA sample from the crime scene matched a sample placed on the national DNA database after he was arrested but not convicted for drink-driving—a non-serious offence—in 2006. He was arrested when he tried to re-enter the UK in 2010 and was sentenced to 10 years in prison. He would be free today if the proposals in this Bill had been in force at the time.

Let me say to Members on the Government Benches that lots of these cases will crop up in the future and this will come back to haunt them if they decide to support what is in this Bill today. The Government are ignoring these and the many other examples of the folly of their dogmatic approach. Their attempt to take the moral high ground consists of trotting out a mantra about these measures being consistent with the principle of innocent until proven guilty. That would be the case only if DNA were taken on conviction. Everybody is innocent when it is checked against previous crime scenes—there is nothing wrong with that, apparently—and the collective view is that DNA should be maintained to match against future crime scenes for a limited period. The Government do not even seek to return to the situation pre-2003, when DNA was taken upon someone's being charged, not upon their being arrested. The Government will continue to take DNA upon arrest, when every person from whom a sample is taken will be innocent. They now propose, under amendment 5, to introduce a convoluted, bureaucratic system to retain the DNA of innocent people where

> "the retention of the material is necessary to assist in the prevention or detection of crime."

So someone is innocent until proven guilty, unless they are innocent of a serious offence, in which case they will have their DNA retained under a procedure that is bureaucratic, convoluted and complex, and that the police are unlikely to use, as with the Scottish extension.

We are now to have the gloriously named "biometric commissioner". I remember when my son was small buying him a bionic man—Steve Austin was "the bionic man"—and we now have the biometric commissioner. At best, he will have to open a file for each of the 17,000 suspected rapists, and the police will have to put forward a case in respect of every one of those 17,000 suspected rapists that Rape Crisis says are likely to be wiped off the DNA database. At worst, as Rape Crisis fears, those 17,000 profiles, or a large proportion of them, will be wiped.

Although all the evidence points to the need to adopt this amendment, we all need to accept that much of the research is based on projection. We do not have the six years of actual evidence required to make a proper assessment, and if we carry the Bill unamended we never will. DNA profiles for those arrested but not charged or convicted that are more than three years old will be wiped, never to be retrieved. Let us accept the amendment so that the proper assessment of all the evidence, when we have six years' worth of it, can take place in a few years' time. We can go from six years down to three, but we will never be able to go from three years up to six, which is why my right hon. Friend the shadow Home Secretary has implored the Government—they might be right about the three-year limit, although we doubt it, and it might even be necessary to have a limit of four or five years—to wait until we have evidence rather than projections. Is that not eminently sensible, given that we are dealing with life and death and issues that are so pertinent to criminal justice and so important to our constituents?

The role of the Home Office for the past 229 years of its existence has been to weigh the rights of the individual against the needs of society as a whole. For the Government to pursue their retention policy against all the available evidence and in the teeth of fierce opposition from the police, who will be restricted in their ability to catch criminals, and in defiance of the sensible alternative of reviewing the situation when more reliable evidence is available, is a huge, avoidable and potentially catastrophic error that they will live to regret.

James Brokenshire: One point of agreement between me and the right hon. Member for Kingston upon Hull West and Hessle (Alan Johnson) is that I think that this is a question of balancing collective protection and individual freedom. We can agree on that much, but in some ways the right hon. Gentleman is looking through the other end of the telescope. Through the indefinite retention regime that was the hallmark of the previous Labour Government, he seeks to retain data and information for as long as possible in case it becomes useful. I think he was accusing us of being dogmatic on

[James Brokenshire]

this point in some ways, but he and his right hon. and hon. Friends come at it from the perspective that they want indefinite retention of everyone's DNA for as long as possible. Our starting point is different. Our concept is that of innocent until proven guilty, so we come at this from a different direction.

I shall address some of the right hon. Gentleman's direct points, but, as this is a wide-ranging group of amendments, it might assist the House if I explain the Government's amendments before responding to those tabled by the right hon. Gentleman and others.

Clive Efford (Eltham) (Lab): Will the Minister give way?

James Brokenshire: I will give way to the hon. Gentleman, who played a key part in Committee. I am sure that I will welcome his contribution to the debate.

Clive Efford: The Minister has just said that he has accepted the principle of innocent until proven guilty, but will he confirm that everyone who is arrested will, at the point at which they are arrested, have their DNA sample taken and checked against the national DNA database, so that principle does not hold? The Government accept the principle that innocent people will have their DNA retained for up to three years for various crimes, so does he accept that we are debating the principle of who should have their DNA retained for three years or for six years? On the question of people's civil liberties, will the Minister take into consideration the civil liberties of those who might be the victims of crimes that will not be detected because of the position that the Government have taken?

James Brokenshire: I say to the hon. Gentleman—he and I had a fair and clear debate on this matter in Committee—that the Government take into consideration the position of the victim, which is why I said that that principle was our starting point. That is why we are adopting the provisions in the Bill. We recognise that more than 5.7 million people are on the national DNA database and about 70% of the profiles in the EU are on our national database, so it important—and our responsibility—to consider the issues extraordinarily carefully to ensure that we judge the balance correctly.

I shall go briefly through the Government's amendments before returning to the important issues of principle and to do with the duration of retention. Government amendments 1 to 15, 33 to 38, 65, 66, 72 and 73 fine-tune the provisions governing the retention of DNA. In a number of cases, they pick up on points raised in Committee. The key amendments all touch on the role of the commissioner for the retention and use of biometric material and I shall detail those amendments first.

When we considered clause 3 in Committee, the hon. Member for Eltham (Clive Efford) and others expressed concern that much of the detail about the arrangements for retaining biometric material taken from those arrested for, but not charged with, a qualifying offence was left to subordinate legislation. I gave the hon. Gentleman an undertaking that the Government would take the issue away and consider it. The Joint Committee on Human Rights also raised concerns about the issue in their recent report on the Bill. We have considered the issue further and agree that it is appropriate to place such detail on the face of the Bill. Amendments 1 to 5 therefore remove from clause 3 the existing order-making power for the Secretary of State to prescribe circumstances in which such retention would be permitted and replace it with new section 63FA of the Police and Criminal Evidence Act 1984.

New section 63FA sets out the circumstances in which a chief officer of police may apply to the commissioner to retain DNA profiles and fingerprints of those arrested for, but not charged with, a serious offence. The first circumstance, in new section 63FA(2), is where the victim of the alleged offender is a minor, a vulnerable adult or is "associated" with the suspect. The second circumstance, in new section 63FA(3), is where none of the criteria in subsection (2) apply but the chief officer none the less considers it necessary to retain the material to prevent or detect crime. The chief officer must give the person to whom the biometric material relates a copy of the application made to the commissioner. It is then open to that person to make representations to the commissioner within 28 days and it will then fall to the commissioner to determine the application based on these papers. Amendment 15 to clause 24 enables the National DNA Database Strategy Board to provide guidance to the police in such cases, thus helping to ensure consistency in the making of applications to the commissioner. Amendment 9 to clause 20 ensures that the provisions dovetail with the Terrorism Prevention and Investigation Measures Bill.

In addition to the commissioner's review function in individual cases, we believe that the commissioner should also have a more general oversight role. Amendment 11 therefore extends the role of the commissioner to provide him or her with a general function of keeping under review the retention and use of DNA and fingerprints by police and other law enforcement authorities.

I draw the House's attention to amendment 7, which makes two further exemptions from the normal retention rules. First, new subsection (2A) of section 63T of PACE, inserted by clause 17, ensures that the police can retain hard copies of material on case files. That is in order to ensure that a copy of the material remains available for examination by defence experts, and potentially the Criminal Cases Review Commission, in accordance with the disclosure provisions of the Criminal Procedure and Investigations Act 1996. The changes are therefore intended to ensure that the provisions discharge CPIA compliance obligations. The CPIA exists to prevent miscarriages of justice and I am sure that we would all agree that nothing in the Bill can undermine that purpose.

In order to enable the police to meet their obligations, new section 63T(2A) provides for the police to retain the minimum amount of biometric material necessary. So the records on the DNA and fingerprint databases would be destroyed in accordance with the existing provisions of the Bill, leaving only hard copies on the police case file that could be examined by the defence or the Criminal Cases Review Commission as necessary.

The second part of amendment 7, which inserts new subsection (2B) of section 63T, arises from a concern raised with us by Forensic Science Northern Ireland. The service was concerned that, because of the way that PACE is drafted, all samples taken compulsorily from a suspect would be caught by the requirement to destroy them in clause 14 of the Bill. That would include material originating from another person that is evidence of contact between people and would often be key evidence in a trial examining that contact. An example may be where traces of a victim's blood have been taken from a suspect's hand. New subsection (2B) of new section 63T therefore provides that where material is taken from one person that originates from another it is not required to be destroyed within six months but can be retained for as long as is necessary in the same way as crime scene material can because it is, essentially, crime scene material.

8 pm

Let me address the amendments in the name of the right hon. Member for Kingston upon Hull West and Hessle and others. As we have heard, the amendments return to the question of how long we should retain the DNA and fingerprints of innocent people. They would replace the Government's provisions, which meet our coalition commitment to adopt the protections of the Scottish model, with the core of the previous Government's Crime and Security Act 2010.

Steve McCabe (Birmingham, Selly Oak) (Lab): Will the Minister give way?

James Brokenshire: I will, because I know that the hon. Gentleman has taken a close interest in these matters for some time.

Steve McCabe: The country's police chiefs have rather helpfully told us that large numbers of those who were arrested following the summer riots were arrested because of matches against the existing DNA database. Has the Minister undertaken any work to ascertain how many of those would have escaped justice under his proposals?

James Brokenshire: The hon. Gentleman highlights a key issue—the retention of the DNA of those convicted of offences, with which I absolutely agree. Some 75% of those who were engaged in the rioting—or, at least, those who were brought before the courts—had committed prior offences. That clearly makes the point that there is a need to put the DNA of those who are guilty of crimes on the database, rather than keeping those who are innocent of any crime on it, which is the approach of the Opposition and was the approach of the previous Government. The Labour party persists in its approach of keeping the DNA and fingerprints of innocent people for many years, no matter what those people have been accused of and no matter how little evidence was ever uncovered in relation to them.

It is worth putting these issues into context. Of course, DNA is important. I fully recognise the scientific breakthrough of being able to take DNA to search against the database and, most importantly, to retain crime scene DNA evidence in a cold case database against which matches can be made. However, the collection of DNA is part of a process of investigation and is not a panacea in itself. I think that if the Labour party could have its way, it would continue with the previous approach of simply trying to put more and more data on the database regardless of people's guilt or innocence. However, it is interesting to look at what has been the result of adding many more people on to the database. In 2004-05, 2.8 million people were on the national DNA database and in 2009-10, the figure was 4.8 million people. Now, let us look at the number of detections in those years. In 2004-05 there were 35,605 and in 2009-10 there were 32,552, so when there were 2 million more people on the database, there were 3,000 fewer detections. I therefore challenge the suggestion of the right hon. Member for Kingston upon Hull West and Hessle that the more people's DNA is on the database, the more effective it is. The figures do not necessarily equate in that way, as the historic evidence shows.

Alan Johnson: The total number of detected crimes in which a DNA match was available fell by 11% between 2003-04 and 2008-09—that is what the Minister basically just told us—but over the same five-year period, police recorded crime fell by 17.1%. So there was an 11% reduction in DNA detections and a 17.1% reduction in recorded crime. Those are the figures that the Minister of State, Department for Work and Pensions, the right hon. Member for Epsom and Ewell (Chris Grayling) tried to fiddle in the previous Parliament. Burglary was down 29%, vehicle crime was down 40% and criminal damage was down 23%—so much for fewer cases being solved through DNA.

James Brokenshire: As a proportion of total detections, DNA detections have remained pretty static. If the right hon. Gentleman is right that the figures I gave were all down to there being less crime—I think that is his argument—what he said about DNA detections would not be the case. Some 2 million extra people have been put on to the database and if hon. Members are suggesting that that change has been positive and would generate many more detections, I am afraid to say that that is not borne out by the evidence.

Mr David Davis (Haltemprice and Howden) (Con): I think this is quite a good indicator of how much the Labour party played with the politics of this issue when they were in government rather than dealing with the reality. The biggest handicap to the use of DNA in evidence is collection at the crime site, which is very poor. Our police have been poor at that for a long time but Labour did nothing about that throughout the entire period being discussed.

James Brokenshire: My right hon. Friend makes a very important and powerful case about the effective use of DNA and the fact that crime scene issues can be very important in the detection of crimes and in ensuring that perpetrators are brought to justice.

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): Will the Minister give way?

James Brokenshire: I will give way because I know that the hon. Lady has focused closely on the disproportionate impact that the DNA database can have on some minority communities. I will be very interested to hear her thoughts.

Ms Abbott: I will of course be supporting the amendment in the Lobby tonight, but is the Minister aware that the professor who devised the use of DNA detection processes, Professor Jeffreys, is against keeping the DNA of innocent people? He argues that the amount of DNA that has to

[Ms Abbott]

be held for that purpose and the intrusion of civil liberties that that brings is not justified by the marginal improvements in detection.

James Brokenshire: The hon. Lady, who has taken a close and personal interest in these issues for a number of years, makes an important point. I know that some people will say that we should take everybody's DNA from birth and that this would solve all the problems, but neither party seeks to make that argument here, although some people may. The issue of disproportionality is very important when considering how to strike the right balance on what the retention period should be, on how DNA is used and on the protections that are afforded. That is why we have taken the approach we have in the Bill.

Mr Philip Hollobone (Kettering) (Con): Will the Minister give way?

James Brokenshire: I will, because I know that my hon. Friend has put his name to some of the amendments.

Mr Hollobone: On the gap between the fall in DNA detections and the fall in crime, my hon. Friend the Minister is ignoring the deterrent effect, which my hon. Friend the Member for St Albans (Mrs Main) mentioned earlier. If one's name is on the database, one is less likely to commit crime and therefore will not be detected, so the matches will go down less than the crime rate is falling. I think that my constituents will be alarmed that there are 23,000 people on this database whose details will be wiped if we go along with the Government's suggestions. The former Home Secretary has pointed out that on the hazard curve, they are likely to be rearrested within that missing three-year period.

James Brokenshire: That point was made by the right hon. Member for Kingston upon Hull West and Hessle, but I pray in aid Professor Fraser's report. I appreciate that the right hon. Gentleman says that the terms of reference were not wide enough and that it is not appropriate to rely on the report, but those terms of reference took account of available information and experience elsewhere when the appropriateness of the Scottish system was considered. Indeed, it was the right hon. Gentleman's colleague in the other place, Lord Bach, who said:

> "In determining the appropriateness of the current legislation, Professor Fraser considered data on reoffending rates and conducted a wide consultation. He did not uncover any evidence to suggest that this approach to retention has caused any detriment to the detection of serious crime in Scotland."

I therefore think it is appropriate to look to Professor Fraser's investigation, as he is a learned expert on forensics, rather than simply trying to skate over and ignore it as the right hon. Gentleman appears to be doing.

Alan Johnson: According to the evidence that the hon. Gentleman's Department gave to the Home Affairs Committee,

> "It has been suggested that the research carried out into the Scottish system (by Professor Fraser) did not uncover any evidence to suggest that the Scottish approach to retention had caused any detriment to the detection of...crime...However, that is to misunderstand this research which did not assess whether alternative systems would have been more effective. It was also unable to review how many serious crimes went undetected as the relevant DNA profiles had been deleted and, therefore, was not in a position to conclude whether there was any detriment to the detection of serious crime."

That is the hon. Gentleman's Department's evidence to the Select Committee—collapse of stout party.

James Brokenshire: Again, I would point to the right hon. Gentleman's colleagues in the Ministry of Justice, who obviously wrote the letter saying that Professor Fraser's report came to the conclusion that there was no detriment to the detection of serious crime. As I have highlighted, Professor Fraser's report was wide-ranging in scope. Needless to say, we have a difference of view on this important point.

Dr Julian Lewis (New Forest East) (Con): In deciding whether to support the amendment or the Government tonight, I have to balance the loss of rights of those people who had crimes committed against them, or who may have crimes committed against them as a result of reducing the period of the retention of DNA from six years to three, against the injustice that might be visited on innocent people whose DNA is kept for three years longer than it otherwise would be. Can the Minister tell me, in words simple enough even for me to understand, what exactly the loss of human rights and the injustice will be to those innocent people who have their DNA kept for three years longer before it is wiped? Can he compare that with the suffering of victims who have crimes committed against them by people who will not be detected?

James Brokenshire: This is about getting the right people on the national DNA database. By that, I mean those who have been convicted of crimes. We should focus on those who have committed crimes; we should look at recidivism and getting persistent prolific offenders, those who have been in prison and those who have committed crimes on the national DNA database. Interestingly, that was not the approach of the previous Government; they were more fixated with keeping the innocent on the national DNA database. If we take the approach that I suggest, we can ensure that we focus attention where it is needed, and that we do our duty—this is something that I take very seriously—when it comes to protecting the public and ensuring that the police can do what is necessary. I certainly believe that the provisions before the House will enable the police to do that.

Dr Lewis: My hon. Friend is very generous in giving way, particularly as he knows that this will not be a supportive question. With the greatest respect, he did not answer my question, which was: in practical, simple terms, in what way will these innocent people—let us accept that they are innocent—who will have their DNA kept on record for an extra three years suffer, or have their rights infringed? Can we compare that with the suffering and infringed rights of people who will otherwise have crimes committed against them by criminals who go unpunished?

James Brokenshire: When I look at the Members of Parliament who contact me about the DNA database, there are not huge stacks of correspondence relating to the retention of DNA. The correspondence relates to the many people who complain about their DNA remaining on the national DNA database when they are innocent of any crime, and who say how that offends them. Let us look at some of the cases involved. GeneWatch UK has been quite helpful in highlighting the issues. There is the 12-year-old schoolboy arrested for allegedly stealing a pack of Pokémon cards; the grandmother arrested for failing to return a football that was kicked into her garden; the 10-year-old victim of bullying who had a false accusation made against her; and the 14-year-old girl arrested for allegedly pinging another girl's bra. Those people have been arrested; their DNA would be retained under the arrangements that the previous Government seemed to laud. That issue of injustice is very much at the heart of the matter.

Mr Hanson: Will the hon. Gentleman place in the Library information on exactly how many letters he has received on the topic and how many complaints he has had, as compared with the number of innocent people who will be killed, raped, maimed or injured because of the proposals before the House?

8.15 pm

James Brokenshire: I am sorry that the right hon. Gentleman has chosen to try to take us down that path. I am speaking honestly and fairly about the correspondence that comes from hon. Members on both sides of the House on the injustice that some minority communities feel in particular. The hon. Member for Hackney North and Stoke Newington (Ms Abbott) has highlighted how acutely many communities feel about the issue.

Ultimately, it comes down to a question of judgment and balance. The Labour party, when in government, did not focus properly on putting the guilty on the database. We are focused on doing that, and on not retaining all the DNA of those innocent of any crime. The right hon. Member for Kingston upon Hull West and Hessle may perhaps suggest that privacy is in some way a science, but it is not. Liberty cannot be decided on by testing in that way. It is a question of judgment and looking at the evidence, and reaching a conclusion on how to strike the balance fairly between collective protection and individual liberty.

As for what has been said about the previous Government's proposals, the right hon. Member for Kingston upon Hull West and Hessle may pray in aid all sorts of things, but there was very limited support for the idea that six years was appropriate. We believe that the protection given by the Scottish model means that that is the right approach, and it strikes the right balance, and I therefore commend it to the House.

Mr Hanson: I confirm to the Minister that this is a matter of judgment—a judgment as to whether one is on the side of victims and the prevention of crime. There are very difficult issues that the Minister knows we have wrestled with to do with balancing civil liberties with the protections that my right hon. Friend the Member for Kingston upon Hull West and Hessle (Alan Johnson) has so eloquently spoken about today. I pay tribute to him; he has made a compelling case that Government Members ignore at their peril. I do not say that to the Minister in a threatening way; I am simply saying that I suspect that there will be people who are victims of crime because he rejects my right hon. Friend's amendment this evening.

The Minister will know that my right hon. Friend and I included the provisions that we are discussing in the Crime and Security Act 2010 after considerable thought and consideration of the European judgments that were brought against us. We tried to balance the civil liberties of the British people with their ability to secure their future, free of murder, rape and crime. The Minister will know that there are balances to be struck; ministerial life is about balances. I accept the point made by the hon. Members for New Forest East (Dr Lewis), for Dartford (Gareth Johnson), and for St Albans (Mrs Main): if the amendment tabled by my right hon. Friend is accepted, there will be people whose DNA is on the database for three years longer than the Government propose. Those people may not commit a further crime, and they may well feel aggrieved, but the purpose of the House is to protect the rights of citizens as far as we can.

When my right hon. Friend and I were in government, and were Ministers in the Department in which the Minister is now privileged to serve, we felt that, within European law and within the rights of protection of those liberties, we should try to extend the window of opportunity so as to protect as many people as possible, by ensuring that DNA was collected. We have to balance the aggrieved feelings that the hon. Member for New Forest East mentioned with the rights of citizens as a whole. There will undoubtedly be people who feel aggrieved, but we have to accept those consequences. Ministerial life is about making not just judgments, but the right judgments. On this occasion, the Minister has got that judgment wrong.

Britain is leading the world in DNA technology, which provides critical investigative leads. The DNA database provides the police with almost 3,300 DNA matches per month. There were 832 positive matches on the DNA database in cases of rape, murder, and manslaughter and other serious crimes in 2009. My hon. Friend the Member for Birmingham, Selly Oak (Steve McCabe) mentioned his concerns; Chris Sims, the chief constable of the West Midlands police, who leads on the issue not for the West Midlands but for the Association of Chief Police Officers, has said that much more detailed information is important to ensure that we protect the public from serious crime. There is no dispute about the fact that three years should be included in the Bill—both sides have accepted that. We are arguing for the maximum envelope that we introduced in 2010, which will protect future victims of crime.

Nicola Blackwood (Oxford West and Abingdon) (Con): In the oral evidence given to the Select Committee on Home Affairs by Chris Sims of ACPO on 5 January 2010, it was clear that while DNA evidence is an important tool used by the police, it is just one tool that is used in 0.67% of convictions.

Mr Hanson: Why make the police's job harder? There are people who would be on the database because they have been caught—they have not been charged or convicted—whose DNA would be on record for between three and six years. My right hon. Friend eloquently described cases that led to people being arrested who would not otherwise be arrested. Those people have

[Mr Hanson]

been arrested, and as a result they have not committed more crimes: they have not gone on to rape if they are serial rapists; they have not gone on to kill if they are serial killers; and they have not gone on to commit serious violence if they are individuals who commit serious violence. The public is safer, so I do not understand why the so-called party of law and order can sit back and watch a Minister roll back crime-fighting tools that would save people from becoming victims of crime in future.

Unpublished evidence, which freedom of information requests have dragged out of the Home Office—my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper) mentioned this last week—shows that every year, 23,000 people, who under Labour's system would be on a DNA database, will, under Government plans, go on to commit further offences. In the next eight minutes of this short debate, I urge the Minister to tell us which one of those 23,000 crimes he can explain to future victims of crime? Can he look them in the eye and say, "We could have stopped that and prevented it from happening, but we chose, for the sake of the civil liberties of the few"—and I accept those few do have civil liberties—"to allow 23,000 people to become victims of crime in future."

Of those 23,000, some 6,000 a year will go on to commit serious crimes, including rape, sexual offences, murder and manslaughter. The Government's so-called hazard curve supports Labour's six-year retention plan, rather than three years. Members do not have to believe me or the Home Office: that is independently verified by the House of Commons Library. Changes to DNA evidence will make it harder, not easier, for the police to catch and convict criminals. The Government's weakening of the DNA database goes against Home Office evidence, and 17,000 people arrested but not charged with rape will, amazingly, be removed from the database, thus putting more women at risk.

I hope that the Minister will reflect on that, and listen to my right hon. Friend the Member for Kingston upon Hull West and Hessle, who has served this country in high office, and who has looked at the issue seriously to protect the public, as we all have. We will not crow in triumph if the Minister supports my right hon. Friend's amendment: we will cheer his common sense. If he does not support the measure, perhaps he can look at amendment 108, which was tabled by my hon. Friend the Member for Gedling (Vernon Coaker), whom I congratulate on his promotion to the shadow Cabinet, where he will serve with distinction. My right hon. Friend's amendment, which I am pleased to support, suggests that perhaps we could delay the measure for a few years, so that we could consult ACPO on what is going to happen.

At the moment, the Bill allows police forces to apply to the so-called biometric commissioner for provisions on those who are arrested but not charged, which means that police forces can effectively say that they do not want to have someone deleted from the database. There could be an additional 17,000 cases, and how much police time will be devoted to that? The Minister is transferring risk from the Home Office to the chief constable of every force in the country, who will say, "I will not apply for that risk. I will not apply to ensure that that happens." What will the work load be for the biometric commissioner? What resources will they have? Who is responsible if a chief constable applies for a waiver, it is not dealt with, and the person concerned commits a further offence?

The Minister has not thought through his proposals, and as my right hon. Friend said, this is about people. It is about John Warboys, the black-cab rapist, who was caught because his DNA was stored when he was arrested, but not charged, for a sex assault. *[Interruption.]* I would love to give way to the Minister, but his programme motion allows us four more minutes of discussion, and my right hon. Friend needs to reply. If he wishes to reconsider his position, I will certainly give way. The black-cab rapist was caught as a result of DNA evidence. *[Interruption.]* Well, Kensley Larrier, whom we discussed at length in Committee in 2010—officials presented good information then, so it must be correct, as it was the information supplied at the time—was arrested in May 2002 for the possession of an offensive weapon. His DNA would not be retained under Government plans, but he was jailed for five years, and his name added to the sex offenders register for life.

Mark Dixie murdered 18-year-old Sally Anne Bowman close to her home. DNA evidence was retrieved from the murder victim, and within five hours, he was under arrest, and sentenced to life imprisonment. I do not want to see other Mark Dixies wandering the streets in those three years; I do not want crimes to be committed by other individuals who could be caught and stopped. I accept that civil liberties issues are at stake, but our job is to balance those civil liberties, and make a judgment that protects the public. I urge my right hon. and hon. Friends to support the amendment tabled by my right hon. Friend, because this is about judgment. His judgment is right, and I believe that the judgment of Opposition spokespeople is right. I believe that, sadly, if the Minister does not change his mind, the Government's judgment will be shown to be flawed in due course.

Alan Johnson: I have been a Member of the House for 14 years, and I have not heard such a feeble reply from a Minister, not because he is any way inadequate—he is a very good Minister—but because the paucity of the argument is unbelievable. We heard an argument from the Opposition that there was no research behind the three-year Scottish model—that argument was not refuted. The Opposition made the argument that there is no evidence whatsoever that suggests that if someone is arrested, but not convicted of a non-serious offence, that makes a difference to their propensity to go on and be arrested for a serious offence. We put forward evidence about the proportion of DNA evidence and forensics that are used increasing from 6% in the mid-1990s to 25% now, showing the importance of DNA evidence. We put forward evidence of individual cases where, if the Government's policy became law, murderers and rapists would not be caught, because their DNA would not be on the database.

The arguments that we get back are that the Government originally wanted to keep DNA indefinitely, which is not pertinent to the argument today, or that we would have as many names on the DNA database as we could, as though we were evil repressionists, which may be what the Minister believes, whereas those on the Government Benches are civil libertarians to the core, despite the fact that most of them want to abolish the

Human Rights Act. The Government need to engage in the argument. There is no evidence for what they are seeking to do—no evidence whatever about three years. The evidence that has emerged since the Scottish model was introduced in 2007 supports six years. All the projections made by the Department indicate that DNA should be kept for six years.

We are seeking to save the Government from themselves. Members on the Government Benches had better understand, as those who support the amendment understand, that the issue will come back to haunt the Government. The question put by the Leader of the Opposition to the Prime Minister about the number of rapists being wiped off the DNA database is only the start. Ignore the amendment and the Government make trouble for themselves, as well as making this country a less safe and secure place.

Question put, That the amendment be made.

The House divided: Ayes 232, Noes 291.

Division No. 356] **[8.29 pm**

AYES

Abbott, Ms Diane
Abrahams, Debbie
Ainsworth, rh Mr Bob
Alexander, rh Mr Douglas
Alexander, Heidi
Allen, Mr Graham
Anderson, Mr David
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bain, Mr William
Banks, Gordon
Barron, rh Mr Kevin
Beckett, rh Margaret
Begg, Dame Anne
Bell, Sir Stuart
Benn, rh Hilary
Berger, Luciana
Betts, Mr Clive
Blackman-Woods, Roberta
Blenkinsop, Tom
Blomfield, Paul
Bradshaw, rh Mr Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr Nicholas
Brown, Mr Russell
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burnham, rh Andy
Byrne, rh Mr Liam
Campbell, Mr Alan
Campbell, Mr Ronnie
Chapman, Mrs Jenny
Clark, Katy
Clarke, rh Mr Tom
Clwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cunningham, Alex
Cunningham, Mr Jim
Cunningham, Tony
Curran, Margaret
Dakin, Nic
Danczuk, Simon
Darling, rh Mr Alistair
David, Mr Wayne
Davidson, Mr Ian
Davies, Geraint
Davies, Philip
De Piero, Gloria
Denham, rh Mr John
Dobbin, Jim
Dobson, rh Frank
Docherty, Thomas
Dodds, rh Mr Nigel
Donaldson, rh Mr Jeffrey M.
Donohoe, Mr Brian H.
Dowd, Jim
Doyle, Gemma
Dromey, Jack
Dugher, Michael
Durkan, Mark
Eagle, Ms Angela
Eagle, Maria
Efford, Clive
Elliott, Julie
Ellman, Mrs Louise
Engel, Natascha
Esterson, Bill
Evans, Chris
Farrelly, Paul
Field, rh Mr Frank
Fitzpatrick, Jim
Flello, Robert
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Francis, Dr Hywel
Gapes, Mike
Gardiner, Barry
Gilmore, Sheila
Glass, Pat
Glindon, Mrs Mary
Godsiff, Mr Roger
Goggins, rh Paul
Goodman, Helen
Greatrex, Tom
Green, Kate
Greenwood, Lilian
Griffith, Nia
Gwynne, Andrew
Hain, rh Mr Peter
Hamilton, Fabian
Hanson, rh Mr David
Harris, Mr Tom
Havard, Mr Dai
Healey, rh John
Hendrick, Mark
Hepburn, Mr Stephen
Hillier, Meg
Hilling, Julie
Hodge, rh Margaret
Hoey, Kate
Hollobone, Mr Philip
Hood, Mr Jim
Hopkins, Kelvin
Horwood, Martin
Hunt, Tristram
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs Siân C.
Jamieson, Cathy
Jarvis, Dan
Johnson, rh Alan
Johnson, Diana
Jones, Helen
Jones, Mr Kevan
Jones, Susan Elan
Joyce, Eric
Kendall, Liz
Khan, rh Sadiq
Lammy, rh Mr David
Lazarowicz, Mark
Leslie, Chris
Lewis, Mr Ivan
Lewis, Dr Julian
Lloyd, Tony
Llwyd, rh Mr Elfyn
Love, Mr Andrew
Lucas, Caroline
Lucas, Ian
Mactaggart, Fiona
Mahmood, Shabana
Main, Mrs Anne
Mann, John
Marsden, Mr Gordon
McCabe, Steve
McCann, Mr Michael
McCarthy, Kerry
McClymont, Gregg
McCrea, Dr William
McDonagh, Siobhain
McFadden, rh Mr Pat
McGovern, Alison
McGovern, Jim
McGuire, rh Mrs Anne
McKechin, Ann
McKenzie, Mr Iain
McKinnell, Catherine
Meacher, rh Mr Michael
Mearns, Ian
Michael, rh Alun
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Mitchell, Austin
Moon, Mrs Madeleine
Morden, Jessica
Morrice, Graeme *(Livingston)*
Morris, Grahame M.
(Easington)
Munn, Meg
Murphy, rh Mr Jim
Murphy, rh Paul
Murray, Ian
Nandy, Lisa
Nash, Pamela
Nuttall, Mr David
O'Donnell, Fiona
Onwurah, Chi
Osborne, Sandra
Owen, Albert
Paisley, Ian
Pearce, Teresa
Perkins, Toby
Pound, Stephen
Qureshi, Yasmin
Reed, Mr Jamie
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Riordan, Mrs Linda
Robertson, John
Robinson, Mr Geoffrey
Rotheram, Steve
Roy, Mr Frank
Roy, Lindsay
Ruane, Chris
Sarwar, Anas
Seabeck, Alison
Sharma, Mr Virendra
Sheerman, Mr Barry
Shuker, Gavin
Skinner, Mr Dennis
Slaughter, Mr Andy
Smith, rh Mr Andrew
Smith, Angela
Smith, Nick
Smith, Owen
Spellar, rh Mr John
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr Gerry
Tami, Mark
Thomas, Mr Gareth
Timms, rh Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Twigg, Stephen
Umunna, Mr Chuka
Vaz, Valerie
Walley, Joan
Watson, Mr Tom
Watts, Mr Dave
Whitehead, Dr Alan
Williams, Hywel
Williamson, Chris
Wilson, Phil
Winnick, Mr David
Winterton, rh Ms Rosie
Woodcock, John
Wright, David
Wright, Mr Iain

Tellers for the Ayes:
Mr David Hamilton and
Graham Jones

NOES

Afriyie, Adam
Aldous, Peter
Amess, Mr David
Andrew, Stuart
Arbuthnot, rh Mr James
Bacon, Mr Richard
Baker, Norman
Baker, Steve
Barker, Gregory
Baron, Mr John
Barwell, Gavin
Bebb, Guto
Beith, rh Sir Alan
Bellingham, Mr Henry
Benyon, Richard
Beresford, Sir Paul
Berry, Jake
Bingham, Andrew
Binley, Mr Brian
Birtwistle, Gordon
Blackwood, Nicola
Blunt, Mr Crispin
Boles, Nick
Bone, Mr Peter
Bradley, Karen
Brady, Mr Graham
Brake, rh Tom
Bray, Angie
Brazier, Mr Julian
Bridgen, Andrew
Brine, Mr Steve
Brokenshire, James
Brooke, Annette
Browne, Mr Jeremy
Bruce, Fiona
Buckland, Mr Robert
Burley, Mr Aidan
Burns, Conor
Burns, rh Mr Simon
Burstow, Paul
Burt, Alistair
Burt, Lorely
Byles, Dan
Cable, rh Vince
Cairns, Alun
Carmichael, Neil
Carswell, Mr Douglas
Chishti, Rehman
Chope, Mr Christopher
Clappison, Mr James
Clark, rh Greg
Clarke, rh Mr Kenneth
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Colvile, Oliver
Corbyn, Jeremy
Cox, Mr Geoffrey
Crabb, Stephen
Crockart, Mike
Crouch, Tracey
Davey, Mr Edward
Davies, David T. C.
(Monmouth)
Davies, Glyn
Davis, rh Mr David
de Bois, Nick
Djanogly, Mr Jonathan
Dorrell, rh Mr Stephen
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duncan Smith, rh Mr Iain
Ellis, Michael
Ellison, Jane
Ellwood, Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Graham
Evans, Jonathan
Evennett, Mr David
Fabricant, Michael
Fallon, Michael
Farron, Tim
Featherstone, Lynne
Field, Mr Mark
Foster, rh Mr Don
Francois, rh Mr Mark
Freeman, George
Freer, Mike
Fullbrook, Lorraine
Fuller, Richard
Garnier, Mark
Gauke, Mr David
George, Andrew
Gibb, Mr Nick
Gilbert, Stephen
Gillan, rh Mrs Cheryl
Glen, John
Goodwill, Mr Robert
Graham, Richard
Grant, Mrs Helen
Gray, Mr James
Green, Damian
Grieve, rh Mr Dominic
Griffiths, Andrew
Gummer, Ben
Gyimah, Mr Sam
Halfon, Robert
Hames, Duncan
Hammond, Stephen
Hancock, Matthew
Hancock, Mr Mike
Harper, Mr Mark
Harrington, Richard
Harris, Rebecca
Hart, Simon
Harvey, Nick
Haselhurst, rh Sir Alan
Hayes, Mr John
Heald, Oliver
Heath, Mr David
Heaton-Harris, Chris
Hemming, John
Henderson, Gordon
Hinds, Damian
Hoban, Mr Mark
Hollingbery, George
Hopkins, Kris
Howarth, Mr Gerald
Howell, John
Hunter, Mark
Huppert, Dr Julian
Hurd, Mr Nick
Jackson, Mr Stewart
James, Margot
Javid, Sajid
Jenkin, Mr Bernard
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Kelly, Chris
Kirby, Simon
Knight, rh Mr Greg
Kwarteng, Kwasi
Laing, Mrs Eleanor
Lancaster, Mark
Latham, Pauline
Laws, rh Mr David
Leadsom, Andrea
Lee, Jessica
Lee, Dr Phillip
Leech, Mr John
Lefroy, Jeremy
Leigh, Mr Edward
Leslie, Charlotte
Letwin, rh Mr Oliver
Lewis, Brandon
Liddell-Grainger, Mr Ian
Lloyd, Stephen
Lopresti, Jack
Lord, Jonathan
Loughton, Tim
Macleod, Mary
Maynard, Paul
McCartney, Jason
McCartney, Karl
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr Patrick
McPartland, Stephen
McVey, Esther
Mensch, Louise
Menzies, Mark
Mercer, Patrick
Metcalfe, Stephen
Miller, Maria
Mills, Nigel
Milton, Anne
Mitchell, rh Mr Andrew
Moore, rh Michael
Mordaunt, Penny
Morgan, Nicky
Morris, Anne Marie
Morris, David
Morris, James
Mosley, Stephen
Mulholland, Greg
Munt, Tessa
Murray, Sheryll
Murrison, Dr Andrew
Neill, Robert
Newmark, Mr Brooks
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Offord, Mr Matthew
Ollerenshaw, Eric
Opperman, Guy
Ottaway, Richard
Parish, Neil
Patel, Priti
Pawsey, Mark
Penning, Mike
Penrose, John
Perry, Claire
Phillips, Stephen
Pickles, rh Mr Eric
Pincher, Christopher
Poulter, Dr Daniel
Prisk, Mr Mark
Pugh, John
Raab, Mr Dominic
Redwood, rh Mr John
Rees-Mogg, Jacob
Reevell, Simon
Reid, Mr Alan
Robathan, rh Mr Andrew
Robertson, Hugh
Robertson, Mr Laurence
Rogerson, Dan
Rosindell, Andrew
Rudd, Amber
Ruffley, Mr David
Russell, Bob
Rutley, David
Sanders, Mr Adrian
Sandys, Laura
Scott, Mr Lee
Selous, Andrew
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simmonds, Mark
Simpson, Mr Keith
Skidmore, Chris
Smith, Miss Chloe
Smith, Henry
Smith, Julian
Smith, Sir Robert
Soubry, Anna
Spencer, Mr Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, Mel
Stuart, Mr Graham
Stunell, Andrew
Sturdy, Julian
Swayne, rh Mr Desmond
Swinson, Jo
Swire, rh Mr Hugo
Syms, Mr Robert
Teather, Sarah
Thurso, John
Timpson, Mr Edward
Tomlinson, Justin
Tredinnick, David
Turner, Mr Andrew
Tyrie, Mr Andrew
Uppal, Paul
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Mrs Theresa
Walker, Mr Charles
Wallace, Mr Ben
Walter, Mr Robert
Ward, Mr David
Watkinson, Angela
Weatherley, Mike
Webb, Steve
Wharton, James
Wheeler, Heather
White, Chris
Whittaker, Craig
Willetts, rh Mr David
Williams, Mr Mark
Williams, Roger
Williams, Stephen
Williamson, Gavin
Willott, Jenny

Wilson, Mr Rob
Wollaston, Dr Sarah
Wright, Jeremy
Wright, Simon
Young, rh Sir George
Zahawi, Nadhim

Tellers for the Noes:
Mr Philip Dunne and
Bill Wiggin

Question accordingly negatived.

8.44 pm

Proceedings interrupted (Programme Order, this day).

The Deputy Speaker put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).

Clause 3

PERSONS ARRESTED FOR OR CHARGED WITH A QUALIFYING OFFENCE

Amendments made: 1, page 3, line 44, leave out 'any prescribed circumstances apply' and insert

'the Commissioner for the Retention and Use of Biometric Material has consented under section 63FA to the retention of the material'.

Amendment 2, page 4, leave out lines 24 to 31.

Amendment 3, page 4, leave out lines 43 and 44.

Amendment 4, page 5, leave out lines 6 to 11.

Amendment 5, page 5, line 11, at end insert—

'63FA Retention of section 63D material by virtue of section 63F(5): consent of Commissioner

(1) The responsible chief officer of police may apply under subsection (2) or (3) to the Commissioner for the Retention and Use of Biometric Material for consent to the retention of section 63D material which falls within section 63F(5)(a) and (b).

(2) The responsible chief officer of police may make an application under this subsection if the responsible chief officer of police considers that the material was taken (or, in the case of a DNA profile, derived from a sample taken) in connection with the investigation of an offence where any alleged victim of the offence was, at the time of the offence—

(a) under the age of 18,

(b) a vulnerable adult, or

(c) associated with the person to whom the material relates.

(3) The responsible chief officer of police may make an application under this subsection if the responsible chief officer of police considers that—

(a) the material is not material to which subsection (2) relates, but

(b) the retention of the material is necessary to assist in the prevention or detection of crime.

(4) The Commissioner may, on an application under this section, consent to the retention of material to which the application relates if the Commissioner considers that it is appropriate to retain the material.

(5) But where notice is given under subsection (6) in relation to the application, the Commissioner must, before deciding whether or not to give consent, consider any representations by the person to whom the material relates which are made within the period of 28 days beginning with the day on which the notice is given.

(6) The responsible chief officer of police must give to the person to whom the material relates notice of—

(a) an application under this section, and

(b) the right to make representations.

(7) A notice under subsection (6) may, in particular, be given to a person by—

(a) leaving it at the person's usual or last known address (whether residential or otherwise),

(b) sending it to the person by post at that address, or

(c) sending it to the person by email or other electronic means.

(8) The requirement in subsection (6) does not apply if the whereabouts of the person to whom the material relates is not known and cannot, after reasonable inquiry, be ascertained by the responsible chief officer of police.

(9) An application or notice under this section must be in writing.

(10) In this section—

"victim" includes intended victim,

"vulnerable adult" has the meaning given by section 60(1) of the Safeguarding Vulnerable Groups Act 2006,

and the reference in subsection (2)(c) to a person being associated with another person is to be read in accordance with section 62(3) to (7) of the Family Law Act 1996.'.—*(James Brokenshire.)*

Clause 8

PERSONS GIVEN A PENALTY NOTICE

Amendment made: 6, page 7, line 33, after '2001' insert

'and in respect of whom no proceedings are brought for the offence to which the notice relates'.—*(James Brokenshire.)*

Clause 17

EXCLUSIONS FOR CERTAIN REGIMES

Amendment made: 7, page 11, line 43, at end insert—

'(2A) Sections 63D to 63P, 63R and 63S do not apply to material which is, or may become, disclosable under—

(a) the Criminal Procedure and Investigations Act 1996, or

(b) a code of practice prepared under section 23 of that Act and in operation by virtue of an order under section 25 of that Act.

(2B) Sections 63D to 63S do not apply to material which—

(a) is taken from a person, but

(b) relates to another person.'.—*(James Brokenshire.)*

Clause 20

NATIONAL SECURITY: APPOINTMENT OF COMMISSIONER

Amendment proposed: 108, page 13, line 26, leave out from 'must' to end of line 28 and insert—

'place a report in both Houses, after consultation with the Association of Chief Police Officers (ACPO), on the suitability of a Commissioner for the Retention and Use of Biometric Material (referred to in this section and sections 21 and 22 as "the Commissioner".

'(1A) Subject to the approval of a report laid under subsection (1) by resolution of both Houses of Parliament, the Secretary of State may appoint a Commissioner to be known as the Commissioner for the Retention and Use of Biometric Material.'.—*(Mr Hanson.)*

Question put, That the amendment be made.

The House divided: Ayes 227, Noes 291.

Division No. 357] **[8.45 pm**

AYES

Abbott, Ms Diane
Abrahams, Debbie
Ainsworth, rh Mr Bob
Alexander, rh Mr Douglas
Alexander, Heidi
Allen, Mr Graham
Anderson, Mr David
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian

Bain, Mr William
Banks, Gordon
Barron, rh Mr Kevin
Beckett, rh Margaret
Begg, Dame Anne
Benn, rh Hilary
Berger, Luciana
Betts, Mr Clive
Blackman-Woods, Roberta
Blenkinsop, Tom
Blomfield, Paul
Bradshaw, rh Mr Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr Nicholas
Brown, Mr Russell
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burnham, rh Andy
Byrne, rh Mr Liam
Campbell, Mr Alan
Campbell, Mr Ronnie
Chapman, Mrs Jenny
Clark, Katy
Clarke, rh Mr Tom
Clwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cunningham, Alex
Cunningham, Mr Jim
Cunningham, Tony
Curran, Margaret
Dakin, Nic
Danczuk, Simon
David, Mr Wayne
Davidson, Mr Ian
Davies, Geraint
Davies, Philip
De Piero, Gloria
Denham, rh Mr John
Dobbin, Jim
Dobson, rh Frank
Docherty, Thomas
Dodds, rh Mr Nigel
Donaldson, rh Mr Jeffrey M.
Donohoe, Mr Brian H.
Dowd, Jim
Doyle, Gemma
Dromey, Jack
Dugher, Michael
Durkan, Mark
Eagle, Ms Angela
Eagle, Maria
Efford, Clive
Elliott, Julie
Ellman, Mrs Louise
Engel, Natascha
Esterson, Bill
Evans, Chris
Farrelly, Paul
Field, rh Mr Frank
Fitzpatrick, Jim
Flello, Robert
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Francis, Dr Hywel
Gapes, Mike
Gardiner, Barry
Gilmore, Sheila
Glass, Pat
Glindon, Mrs Mary
Godsiff, Mr Roger
Goggins, rh Paul
Goodman, Helen
Greatrex, Tom
Green, Kate
Greenwood, Lilian
Griffith, Nia
Gwynne, Andrew
Hain, rh Mr Peter
Hamilton, Fabian
Hanson, rh Mr David
Harris, Mr Tom
Havard, Mr Dai
Healey, rh John
Hendrick, Mark
Hepburn, Mr Stephen
Hillier, Meg
Hilling, Julie
Hodge, rh Margaret
Hoey, Kate
Hollobone, Mr Philip
Hood, Mr Jim
Hopkins, Kelvin
Hunt, Tristram
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs Siân C.
Jamieson, Cathy
Jarvis, Dan
Johnson, rh Alan
Johnson, Diana
Jones, Helen
Jones, Mr Kevan
Jones, Susan Elan
Joyce, Eric
Kendall, Liz
Khan, rh Sadiq
Lazarowicz, Mark
Leslie, Chris
Lewis, Mr Ivan
Lloyd, Tony
Love, Mr Andrew
Lucas, Caroline
Lucas, Ian
Mactaggart, Fiona
Mahmood, Shabana
Mann, John
Marsden, Mr Gordon
McCabe, Steve
McCann, Mr Michael
McCarthy, Kerry
McClymont, Gregg
McCrea, Dr William
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr Pat
McGovern, Alison
McGovern, Jim
McGuire, rh Mrs Anne
McKechin, Ann
McKenzie, Mr Iain
McKinnell, Catherine
Meacher, rh Mr Michael
Mearns, Ian
Michael, rh Alun
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Mitchell, Austin
Moon, Mrs Madeleine
Morden, Jessica
Morrice, Graeme *(Livingston)*
Morris, Grahame M.
(Easington)
Munn, Meg
Murphy, rh Mr Jim
Murphy, rh Paul
Murray, Ian
Nandy, Lisa
Nash, Pamela
O'Donnell, Fiona
Onwurah, Chi
Osborne, Sandra
Owen, Albert
Paisley, Ian
Pearce, Teresa
Perkins, Toby
Pound, Stephen
Qureshi, Yasmin
Reed, Mr Jamie
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Riordan, Mrs Linda
Robertson, John
Robinson, Mr Geoffrey
Rotheram, Steve
Roy, Mr Frank
Roy, Lindsay
Ruane, Chris
Sarwar, Anas
Seabeck, Alison
Sharma, Mr Virendra
Sheerman, Mr Barry
Shuker, Gavin
Simpson, David
Skinner, Mr Dennis
Slaughter, Mr Andy
Smith, rh Mr Andrew
Smith, Angela
Smith, Nick
Smith, Owen
Spellar, rh Mr John
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr Gerry
Tami, Mark
Thomas, Mr Gareth
Thornberry, Emily
Timms, rh Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Twigg, Stephen
Umunna, Mr Chuka
Vaz, Valerie
Walley, Joan
Watson, Mr Tom
Watts, Mr Dave
Whitehead, Dr Alan
Williamson, Chris
Wilson, Phil
Winnick, Mr David
Winterton, rh Ms Rosie
Woodcock, John
Wright, David
Wright, Mr Iain

Tellers for the Ayes:
Mr David Hamilton and
Graham Jones

NOES

Afriyie, Adam
Aldous, Peter
Amess, Mr David
Andrew, Stuart
Arbuthnot, rh Mr James
Bacon, Mr Richard
Baker, Norman
Baker, Steve
Barker, Gregory
Baron, Mr John
Barwell, Gavin
Bebb, Guto
Beith, rh Sir Alan
Bellingham, Mr Henry
Benyon, Richard
Beresford, Sir Paul
Berry, Jake
Bingham, Andrew
Binley, Mr Brian
Birtwistle, Gordon
Blackwood, Nicola
Blunt, Mr Crispin
Boles, Nick
Bradley, Karen
Brady, Mr Graham
Brake, rh Tom
Bray, Angie
Brazier, Mr Julian
Bridgen, Andrew
Brine, Mr Steve
Brokenshire, James
Brooke, Annette
Browne, Mr Jeremy
Bruce, Fiona
Buckland, Mr Robert
Burley, Mr Aidan
Burns, Conor
Burns, rh Mr Simon
Burstow, Paul
Burt, Alistair
Burt, Lorely
Byles, Dan
Cable, rh Vince
Cairns, Alun
Carmichael, Neil
Carswell, Mr Douglas
Chishti, Rehman
Chope, Mr Christopher
Clappison, Mr James
Clark, rh Greg
Clarke, rh Mr Kenneth
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Colvile, Oliver
Cox, Mr Geoffrey
Crabb, Stephen
Crockart, Mike
Crouch, Tracey
Davey, Mr Edward

Davies, David T. C.
(Monmouth)
Davies, Glyn
Davis, rh Mr David
de Bois, Nick
Djanogly, Mr Jonathan
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duncan Smith, rh Mr Iain
Edwards, Jonathan
Ellis, Michael
Ellison, Jane
Ellwood, Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Graham
Evans, Jonathan
Evennett, Mr David
Fabricant, Michael
Fallon, Michael
Farron, Tim
Featherstone, Lynne
Field, Mr Mark
Foster, rh Mr Don
Francois, rh Mr Mark
Freeman, George
Freer, Mike
Fullbrook, Lorraine
Fuller, Richard
Garnier, Mark
Gauke, Mr David
George, Andrew
Gibb, Mr Nick
Gilbert, Stephen
Gillan, rh Mrs Cheryl
Glen, John
Goodwill, Mr Robert
Graham, Richard
Grant, Mrs Helen
Gray, Mr James
Green, Damian
Grieve, rh Mr Dominic
Griffiths, Andrew
Gummer, Ben
Gyimah, Mr Sam
Halfon, Robert
Hames, Duncan
Hammond, Stephen
Hancock, Matthew
Hancock, Mr Mike
Harper, Mr Mark
Harrington, Richard
Harris, Rebecca
Hart, Simon
Harvey, Nick
Haselhurst, rh Sir Alan
Hayes, Mr John
Heald, Oliver
Heath, Mr David
Heaton-Harris, Chris
Hemming, John
Henderson, Gordon
Hinds, Damian
Hoban, Mr Mark
Hollingbery, George
Hopkins, Kris
Howarth, Mr Gerald
Howell, John
Huppert, Dr Julian
Hurd, Mr Nick
Jackson, Mr Stewart
James, Margot
Javid, Sajid
Jenkin, Mr Bernard
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Kelly, Chris
Kirby, Simon
Knight, rh Mr Greg
Kwarteng, Kwasi
Laing, Mrs Eleanor
Lancaster, Mark
Latham, Pauline
Leadsom, Andrea
Lee, Jessica
Lee, Dr Phillip
Leech, Mr John
Lefroy, Jeremy
Leigh, Mr Edward
Leslie, Charlotte
Letwin, rh Mr Oliver
Lewis, Brandon
Liddell-Grainger, Mr Ian
Lloyd, Stephen
Llwyd, rh Mr Elfyn
Lopresti, Jack
Lord, Jonathan
Loughton, Tim
Macleod, Mary
Main, Mrs Anne
Maynard, Paul
McCartney, Jason
McCartney, Karl
McIntosh, Miss Anne
McLoughlin, rh Mr Patrick
McPartland, Stephen
McVey, Esther
Mensch, Louise
Menzies, Mark
Mercer, Patrick
Metcalfe, Stephen
Miller, Maria
Mills, Nigel
Milton, Anne
Mitchell, rh Mr Andrew
Moore, rh Michael
Mordaunt, Penny
Morgan, Nicky
Morris, Anne Marie
Morris, David
Morris, James
Mosley, Stephen
Mulholland, Greg
Munt, Tessa
Murray, Sheryll
Murrison, Dr Andrew
Neill, Robert
Newmark, Mr Brooks
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Nuttall, Mr David
Offord, Mr Matthew
Ollerenshaw, Eric
Opperman, Guy
Ottaway, Richard
Parish, Neil
Patel, Priti
Pawsey, Mark
Penning, Mike
Penrose, John
Perry, Claire
Phillips, Stephen
Pickles, rh Mr Eric
Pincher, Christopher
Poulter, Dr Daniel
Prisk, Mr Mark
Pugh, John
Raab, Mr Dominic
Redwood, rh Mr John
Rees-Mogg, Jacob
Reevell, Simon
Reid, Mr Alan
Robathan, rh Mr Andrew
Robertson, Hugh
Robertson, Mr Laurence
Rogerson, Dan
Rosindell, Andrew
Rudd, Amber
Ruffley, Mr David
Russell, Bob
Rutley, David
Sanders, Mr Adrian
Sandys, Laura
Scott, Mr Lee
Selous, Andrew
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simmonds, Mark
Simpson, Mr Keith
Skidmore, Chris
Smith, Miss Chloe
Smith, Henry
Smith, Julian
Smith, Sir Robert
Soubry, Anna
Spencer, Mr Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, Mel
Stuart, Mr Graham
Stunell, Andrew
Sturdy, Julian
Swayne, rh Mr Desmond
Swinson, Jo
Swire, rh Mr Hugo
Syms, Mr Robert
Teather, Sarah
Thurso, John
Timpson, Mr Edward
Tomlinson, Justin
Tredinnick, David
Turner, Mr Andrew
Tyrie, Mr Andrew
Uppal, Paul
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Mrs Theresa
Walker, Mr Charles
Wallace, Mr Ben
Walter, Mr Robert
Ward, Mr David
Watkinson, Angela
Weatherley, Mike
Webb, Steve
Wharton, James
Wheeler, Heather
White, Chris
Whittaker, Craig
Wiggin, Bill
Willetts, rh Mr David
Williams, Hywel
Williams, Mr Mark
Williams, Roger
Williams, Stephen
Williamson, Gavin
Willott, Jenny
Wilson, Mr Rob
Wollaston, Dr Sarah
Wright, Jeremy
Wright, Simon
Young, rh Sir George
Zahawi, Nadhim

Tellers for the Noes:
Mark Hunter and
Mr Philip Dunne

Question accordingly negatived.

Amendments made: 8, page 13, line 28, leave out 'sections 21 and 22' and insert 'section 21'.

Amendment 9, page 13, line 38, at end insert—

(iiia) paragraph 11 of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011 (paragraph 6 material retained for purposes of national security),'.

Amendment 10, page 14, line 10, after 'functions' insert 'under subsection (2)'.

Amendment 11, page 14, line 17, at end insert—

'(5A) The Commissioner also has the function of keeping under review—

(a) the retention and use in accordance with sections 63A and 63D to 63S of the Police and Criminal Evidence Act 1984 of—

(i) any mater[illegible] to which section 63D or 63Q of that Act applies (fingerprints, DNA profiles and samples), and

(ii) any copies of any material to which section 63D of that Act applies (fingerprints and DNA profiles),

(b) the retention and use in accordance with paragraphs 20A to 20I of Schedule 8 to the Terrorism Act 2000 of—

(i) any material to which paragraph 20A or 20G of that Schedule applies (fingerprints, relevant physical data, DNA profiles and samples), and

(ii) any copies of any material to which paragraph 20A of that Schedule applies (fingerprints, relevant physical data and DNA profiles),

(c) the retention and use in accordance with sections 18 to 18E of the Counter-Terrorism Act 2008 of—

(i) any material to which section 18 of that Act applies (fingerprints, DNA samples and DNA profiles), and

(ii) any copies of fingerprints or DNA profiles to which section 18 of that Act applies,

(d) the retention and use in accordance with paragraphs 5 to 14 of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011 of—

(i) any material to which paragraph 6 or 12 of that Schedule applies (fingerprints, relevant physical data, DNA profiles and samples), and

(ii) any copies of any material to which paragraph 6 of that Schedule applies (fingerprints, relevant physical data and DNA profiles).

(5B) But subsection (5A) does not apply so far as the retention or use of the material falls to be reviewed by virtue of subsection (2).

(5C) In relation to Scotland—

(a) the reference in subsection (5A)(b) to use of material, or copies of material, in accordance with paragraphs 20A to 20I of Schedule 8 to the Terrorism Act 2000 includes a reference to use of material, or copies of material, in accordance with section 19C(2)(c) and (d) of the Criminal Procedure (Scotland) Act 1995, and

(b) the reference in subsection (5A)(d) to use of material, or copies of material, in accordance with paragraphs 5 to 14 of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011 is to be read as a reference to use only for a purpose mentioned in paragraph 13(1)(a) or (b) of that Schedule to that Act.

(5D) The Commissioner also has functions under sections 63F(5)(c) and 63FA (giving of consent in relation to the retention of certain section 63D material).’.—*(James Brokenshire.)*

Clause 21

REPORTS BY COMMISSIONER

Amendments made: 12, page 14, line 36, leave out ‘carrying out of those’ and insert “Commissioner’s’.

Amendment 13, page 14, line 39, leave out from ‘the’ to end of line 40 and insert ‘Commissioner’s functions.’.—*(James Brokenshire.)*

Clause 22

GUIDANCE ON MAKING A NATIONAL SECURITY DETERMINATION

Amendment made: 14, page 15, line 14, after ‘Commissioner’ insert

‘for the Retention and Use of Biometric Material’.—*(James Brokenshire.)*

Clause 24

NATIONAL DNA DATABASE STRATEGY BOARD

Amendment made: 15, page 16, line 12, leave out ‘this section’ and insert ‘subsection (2).

‘(3A) The National DNA Database Strategy Board may issue guidance about the circumstances in which applications may be made to the Commissioner for the Retention and Use of Biometric Material under section 63FA.

(3B) Before issuing any such guidance, the National DNA Database Strategy Board must consult the Commissioner for the Retention and Use of Biometric Material.’.—*(James Brokenshire.)*

Schedule 1

AMENDMENTS OF REGIMES OTHER THAN PACE

Amendments made: 33, page 90, line 24, at end insert—

(da) any of the fingerprints, data or samples obtained under paragraph 1 or 4 of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011, or information derived from such samples,’.

Amendment 34, page 95, line 31, at end insert—

‘(1A) Subject to sub-paragraph (1), a relevant search (within the meaning given by paragraph 20A(6)) may be carried out in relation to material to which paragraph 20A or 20G applies if the responsible chief officer of police considers the search to be desirable.’.

Amendment 35, page 96, line 10, after ‘(1)’ insert ‘, (1A)’.

Amendment 36, page 97, line 16, leave out ‘paragraph 20H’ and insert

‘a relevant search (within the meaning given by paragraph 20A(6)) or for the purposes of’.

Amendment 37, page 100, line 18, at end insert—

‘(1A) Subject to subsection (1), section 18 material may be checked against other fingerprints, DNA samples or DNA profiles held by a law enforcement authority or the Scottish Police Services Authority if the responsible officer considers the check to be desirable.’.

Amendment 38, page 103, line 6, at end insert—

PART 3A

MATERIAL SUBJECT TO THE TERRORISM PREVENTION AND INVESTIGATION MEASURES ACT 2011

4A After paragraph 10(2) of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011(fingerprints and samples) insert—

(2A) But a person is not to be treated as having been convicted of an offence if that conviction is a disregarded conviction or caution by virtue of section 88 of the Protection of Freedoms Act 2011.”’.—*(James Brokenshire.)*

New Clause 15

OFFENCE OF ISSUING EXCESS PARKING CHARGES

‘(1) A person commits an offence who, without lawful authority requires a driver or any person in possession of a vehicle to pay parking charges in relation to a contract to park that vehicle.

(2) The express or implied consent (whether or not legally binding) of a person otherwise entitled to enter into a contract regarding parking is not lawful authority for the purposes of subsection (1).

(3) Subsection (2) does not apply where—

(a) the person or body attempting to enforce the parking charges is a member of an Accredited Trade Association so accredited by the Secretary of State;

(b) the penalty charge can be appealed to an independent body;

(c) the person or body attempting to enforce the parking charges takes reasonable steps to inform the driver or keeper of the vehicle about the right to appeal; and

(d) the person or body follows a prescribed parking enforcement process including clear signage and contact numbers.

(4) The Secretary of State can, by way of regulation, introduce a maximum charge, under which parking charges would not be subject to subsection (1).

(5) A person who is entitled to remove a vehicle cannot commit an offence under this section in relation to that vehicle.

(6) A person guilty of an offence under this section is liable—

(a) on conviction on indictment, to a fine,

(b) on summary conviction, to a fine not exceeding the statutory maximum which must be no higher than charges for an on-street parking offence.

(7) In this section "motor vehicle" means a mechanically propelled vehicle or a vehicle designed or adapted for towing by a mechanically propelled vehicle.'.—*(Diana Johnson.)*

Brought up, and read the First time.

Diana Johnson (Kingston upon Hull North) (Lab): I beg to move, That the clause be read a Second time.

Madam Deputy Speaker (Dawn Primarolo): With this it will be convenient to discuss Government amendments 21, 76, 39 to 54, 77, 55 to 61, and 78 and 62.

Diana Johnson: The Bill sets out in chapter 2 to outlaw wheel-clamping on private land and to introduce a ticketing regime. We had an extensive debate on this issue in Committee. The major concern that still arises from the way the Bill is drafted is that there is nothing to offer any regulation or protection for the motorist from the problems experienced so far with rogue wheel-clampers. We believe that the rogue wheel-clampers will now move on and become rogue ticketers, and we are not alone in this. We have the support of the RAC, the AA, and the British Parking Association—and I am very pleased to say that today a leader in *The Times* supports Labour's amendment on this point.

Our new clause seeks to offer a level of sensible protection for those parking on private land equivalent to the protections offered to people who park on the highway and wish to appeal when they have received a parking fine. For many of our constituents, it is bewildering that the law in each situation is so different. If someone parks on the highway, there is a limit on the fines and an independent appeals process, but if they park in a small private car park, or even a large retail car park, they can face unlimited fines and there is no formal regulated appeals system.

The real reason we need to move this amendment and have this debate is that the coalition Government rushed into the decision to get rid of wheel-clamping, and they did not go through any meaningful consultation with key stakeholders to discuss what the effect of removing wheel-clamping as something that a private landowner could use to protect their land. When the previous Government considered how to deal with rogue wheel-clampers and set out provisions in the Crime and Security Act 2010, those provisions were widely consulted on. Issues that had to be addressed concerned signage, the level of fees that should be paid, the methods available for payment, the evidence required and a full appeals process. They were set out fully in the drafting of the 2010 Act in order to deal with rogue wheel clampers, because it was recognised that regulation was required.

The Government have decided to introduce a ban on wheel clamping on private land, but they have failed to address the real issue now facing motorists, which is what happens when they are faced with rogue ticketers. In this regard, as in so many others, the Government have reacted in a knee-jerk fashion without really thinking through the consequences of the legislation they are bringing before the House.

9 pm

Jeremy Corbyn (Islington North) (Lab): Does my hon. Friend have any view on unadopted private roads in areas where there is a local authority parking scheme all around and where quite successful operations are currently run, with minimal levels of clamping? From now on clamping will be banned, so far more expensive systems will have to be introduced, which will cost residents a great deal of money—including council and social housing tenants in the area—but achieve nothing different from what exists now.

Diana Johnson: My hon. Friend makes an important point. That issue was debated in Committee, but unfortunately the Government set their face against dealing with it and recognising that there was a problem.

We believe that under the ticketing regime set out in the Bill, the motorist could still end up facing extortionate fees from rogue parking companies, which could be enforced by aggressive security staff against the driver and, if necessary, against the keeper of the vehicle. We also believe that it may still be possible to use a barrier or even a chain to block an exit to a car park, forcing individuals to pay extortionate ticket fees. We believe that rogue parking companies could threaten motorists with the bailiffs and that their credit ratings could be affected. Our amendments have wide-ranging support from the parking industry and motoring organisations. The Government's impact assessment recognises the risk of rogue wheel-clampers becoming rogue ticketers, but the Bill is silent on what should happen in those circumstances.

Patrick Troy, the chief executive of the British Parking Association, made it clear in his evidence to the Committee that rogue clampers will just move into another form of criminality—rogue ticketing. He recognised that parking is complicated and that it is often difficult for members of the public to understand the difference between the highway and private land. In the main, motorists remain ignorant of their rights, and rogue ticketers will take advantage of this.

Edmund King of the AA said that the current arrangements for street ticketing—that is, on the highway, for which there is a good independent appeals system through the traffic penalty tribunal—are independent and accepted by motorists and the industry alike as fair and proportionate. Parking companies pay a 65p levy per penalty charge notice to pay for the system, which is fair. We should have the same ticketing provisions on appeal for those who receive tickets on private land, especially as the Government are introducing keeper liability provisions in the Bill. Without a proper, independent appeal, it is unfair and unjust that a keeper could be held liable for a ticket that he or she knows nothing about.

[Diana Johnson]

In his evidence to the Committee, Edmund King talked about the following situation arising:

> "A company, which seems to be incredibly profitable, is carrying out private ticketing. Its website says, 'Welcome to the ultimate recession-proof business opportunity' which has 'limitless earnings potential'. All the company does is…suggest…that if you have a small piece of land and wanted to make some money, you could apply to my company, and I will send you some parking notices.
>
> You will take your digital camera and take pictures of the cars of neighbours you do not like or of anyone who parks there, and send the pictures to"

that company, which will then

> "apply to the Driver and Vehicle Licensing Agency for their details, send out tickets, and if 60% pay up, which they currently do,"

it will give £10 to the landowner for each ticket and pocket the rest. He continued:

> "That company claims to have 1,200 agents who ticket in that way…even though that company claims to be a member of the British Parking Association, the 1,200 people are, as far as we know, just individuals. There is no control, and our worry is that the clampers who have been making money for nothing for the past 10 years are not going to give up".—[*Official Report, Protection of Freedoms Public Bill Committee,* 24 March 2011; c. 145, Q419.]

Instead, they will become rogue ticketers.

Mr King also gave examples of problems in challenging the issue of a ticket, because there is at present no opportunity to do so. He cited the example of Mr B's car, which incurred a private penalty in a Glasgow hospital car park even though Mr B and his car were in the south of France. The company involved commenced debt recovery procedures. A second case involved an AA member who had been issued with a parking charge notice by X. He had parked in the car park of a major DIY store and spent more than £1,000 in the store. It had taken him some time to choose the goods, and he received a parking charge notice from X, which stated that he had overstayed the maximum permitted time of three hours by 19 minutes. He had to pay £80, which would be reduced to £50 if he paid by a certain date.

A third example involved a Bristol driver whose car was spotted during two different visits to a fast-food outlet. The camera or operator took this to be one single visit and issued a penalty notice for 41 days' parking. Two AA executives were also sent parking charge notices by post for infringing unclear bay marking rules in a local supermarket. Both of them challenged the parking charge notices, but they were threatened with damage to their credit rating and a visit from the bailiffs if they did not pay up.

Andrew Gwynne (Denton and Reddish) (Lab): May I give my hon. Friend another example? It involves the Peel centre, a retail park in the centre of Stockport where many of my constituents have received penalty fines for overstaying in the car park. One of my constituents challenged this in the courts and had the penalty overturned because the signage was so small that it was considered unreasonable to expect people to read the notices. Does my hon. Friend agree that it would be better to have a proper appeals system in place, rather than expecting our constituents to have to go through the courts in such cases?

Diana Johnson: That is exactly right, and our new clause sets out clearly that anyone wishing to issue tickets should be a member of the British Parking Association or an accredited trade association, and should comply with the code of practice agreed with the DVLA on proper signage and a proper appeals system. We believe that that would solve the problem.

Guy Opperman (Hexham) (Con): I was retained counsel by the Automobile Association in 2000, in the case of Vine *v.* London borough of Waltham Forest, so I come to this matter with a degree of experience. Subsection (1) of new clause 15 attempts to create a criminal offence in certain circumstances. Does the hon. Lady agree, however, that those circumstances are already covered by the measures in the Theft Act 1968 relating to obtaining property by deception, or by consumer protection legislation?

Diana Johnson: It is quite clear that consumer protection legislation has not worked in the motorist's favour in the past. Creating a criminal offence, as the amendment would do, would send a clear signal about how serious the matter is and how people who are going to issue tickets should be properly regulated. I am not sure that I agree with the hon. Gentleman.

I want to move on to the RAC, which gave evidence that the provisions in the Bill would not create a landscape for parking in which the motorist could be guaranteed a fair deal from the parking industry. I know that the Government have made much of the fact that they are on the side of the motorist, but when motoring organisations and members of the industry itself are saying that the system being proposed in the legislation is unfair, the Government need to think again.

As drafted, the right to challenge a ticket is very limited. It would apply only to cases in which liability could be enforced against a keeper. That means that if a person did not pay up to the parking company, the company could go after the keeper of the vehicle, whose information is held by the DVLA. The protection offered is that only a member of an accredited trade association—currently the British Parking Association—will be allowed access to DVLA information. However, the Government state in the impact assessment that they expect 74% of penalty tickets to be paid up front at the time the ticket is issued, rising to 82% when keeper liability is added in. The expectation is that people will just pay up and will not have the opportunity to lodge any kind of appeal. There is no independent appeal procedure. We understand that, under the Government amendments, members of the British Parking Association must have an internal disputes procedure, but we say that is not good enough: it is not fair and not independent. It is widely perceived that it must be independent.

I mentioned the example of the company that Edmund King suggested made a lot of money out of ticketing. Will the Minister respond on the issue of road parking companies that are not members of the British Parking Association but are able to get information about a vehicle—for example, the address of a commercial vehicle on the side of a van parked in a private car park—or to gain access to lists of customers' details in a private car park? In those circumstances, the ticketing organisation could pursue the keeper without having gone through the DVLA. As I understand it, that could be done perfectly legally, but it could be threatening if money is demanded quickly in order to avoid the bailiffs coming round.

Will the Minister talk more about contract law and consumer protection? She made much in Committee of the fact that consumer protection law was already in place, but we made the case that that did not provide adequate protection for motorists. Will she therefore comment on the Unfair Contract Terms Act 1977 and explain whether she feels it needs to be strengthened or whether further information needs to be given to the public about its provisions?

Let me make some specific points about the amendments in the group. New clause 15 would ensure that anyone issuing a penalty ticket must be registered with an accredited trade association, that all ticketers were currently members of the British Parking Association who must abide by the trade association's code of practice, which is agreed, in turn, with the DVLA. The new clause also means that tickets placed on the vehicle or those issued later through the use of ANPR—automatic number plate recognition—would be subject to an independent appeals procedure. This would ensure that the maximum fines on private land are the same as for those on public roads and that the same terms and conditions, the same right of appeal and the same prompt payment discount would apply. This has widespread support. The RAC and the AA have recently conducted a populist poll of 12,000 people, of whom 98% thought that there should be some form of licensing for ticketers. That shows that there is clear and overwhelming public support for this new clause, so I hope the Minister will think again and support it.

Will the Minister clarify some points about the other amendments in the group? We welcome Government amendment 21, which came out of the evidence given to the Committee by Patrick Troy of the British Parking Association and Edmund King of the AA. The Opposition took the view that the drafting of the clause dealing with a fixed barrier was ambiguous. I am glad that the Government have recognised the issue raised by the Opposition and have sought to amend the provisions. I know, however, that the BPA still has some doubts about the new wording, as it fails specifically to mention wheel-clamping.

Government amendment 76 passes liability from the car hire company to the person who has hired the car where appropriate. Will the Minister comment on the fact that she is making it easier to transfer keeper liability in those circumstances? Has she given any thought to the circumstances where, for example, a motorist takes their car to a garage and the garage parks it on someone else's private land? In that case, can the liability be passed back to the garage? As currently drafted, keeper liability means that the individual car owner would be liable as the keeper, even though the actions were carried out by the garage.

Amendments 39 to 54 are technical, but will the Minister explain why she wants to move from the term "relevant contract" to "relevant obligation" in the wording of the affected clauses?

9.15 pm

Government amendment 59 deals with the issue of keeper liability. I understand that it relates to the use of ANPR and would allow a ticket to be sent to the keeper after the parking infringement has taken place. Let us suppose that a disabled person is dropped at an airport where there is a 15-minute limit for use of a parking space. Because of the nature of the disability, it takes up to 30 minutes for the car to be unpacked and moved away. What redress is open to the disabled person? If a ticketing regime were in operation, the person issuing the ticket would presumably be allowed to exercise some discretion on the basis of the disability, but an ANPR system would merely register that the car had entered the parking space at a certain time and left at a certain time, and a ticket would automatically be issued.

There has been a real failure to address issues involving disability, which we discussed at length in Committee. It is a great shame that the impact assessment still fails to acknowledge or deal with the equality issues raised by parking bays and the time that people are allowed in which to park. Perhaps the Minister will comment on the example that I have given.

I understand that the latest definition of car hire is not included in Government amendment 78. According to the hire car associations, specifying a six-month time limit is a rather old-fashioned approach, and it would be better to reflect modern leasing practices, which often involve a much longer period than six months. Perhaps the Minister could comment on that as well. As for Government amendment 62, why do the Government need the power to change the definition of "relevant land"?

I look forward to hearing from the Minister that she has had an opportunity to think again about the Bill's failure to deal with the issue of ticketing and introduce a fair, independent system of appeal to deal with the problem of rogue ticketers, which I believe will come back to haunt the Government.

The Parliamentary Under-Secretary of State for the Home Department (Lynne Featherstone): As the hon. Member for Kingston upon Hull North (Diana Johnson) pointed out, we had a long debate in Committee on issues such as ticketing and clamping. Before I reply to her specific questions, let me remind the House what was said by many of the people she cited when we announced that we were going to ban wheel-clamping on private land. Edmund King, president of the AA, said:

> "An outright ban on wheelclamping on private land is a victory for justice and common sense."

The hon. Member for West Bromwich East (Mr Watson) said:

> "I just want to say that this part of the Bill is fantastic and that the Home Secretary has my full support for it."—[*Official Report*, 1 March 2011; Vol. 524, c. 210.]

Gillian Guy, chief executive of Citizens Advice, said:

> "We are extremely pleased that the government has decided to deal with the scourge of clamping and towing on private land, as a matter of urgency."

The AA said in a press release:

> "It is a momentous decision to prepare new legislation to end this scourge that has blighted the name of parking control in private parking areas for so long."

I quoted those comments partly to remind Opposition Members that what they proposed to do was license the companies concerned—in fact, individuals have been licensed, which clearly has not worked according to the

[Lynne Featherstone]

tales told by almost every Member in the House about those whose cars have been clamped and from whom money has been more or less extorted—and also to remind them that the system that we propose was wanted by Members on both sides of the House. The issue now is how to ensure that we can implement it. Licensing clamping businesses, as suggested by the Opposition, was not the answer.

We have discussed the "what ifs"—all the issues that might arise—and the potential problems if rogue clampers became rogue ticketers. In Scotland clamping was banned in 1992, very successfully. On deciding to consider the option of banning, the first thing I did was ask my officials to inquire what the repercussions and difficulties had been in Scotland, such as whether the use of barriers had been impossible and whether there were rogue clampers. I looked into those matters in 2010, which was after 18 years, and my officials came back and said there had been just a handful of letters about any problems in all that time.

Jeremy Corbyn: The hon. Lady will have received correspondence from the Aberdeen Park Maintenance Company, which manages a private road in my constituency. It has an effective, low-cost system of controls and a minimal level of clamping. Under this legislation, however, it will not be allowed to do any clamping at all. Instead it will have to install expensive barriers and employ staff. That will cost everyone, including council and social housing tenants, a great deal of money. I realise this is a somewhat anomalous argument, but in every city there are private and unadopted roads where such issues will arise, and I would be grateful if she would share her thoughts and say what response she will give to this company.

Lynne Featherstone: I am sure such issues will arise across the land. The way to deal with them will be through either ticketing or barriers. However, it is also possible—although this is not required—for a local authority to take over responsibility for that land and issue tickets. Such matters can be addressed in that way, therefore. I cannot give a specific response on every circumstance that might arise across the land, but in Scotland the answer was barriers or ticketing; it was not particularly complicated.

We will carefully watch how things pan out, but our proposal is our best effort to get the balance right and to make sure that we proceed without the burdens of regulating everything in the land and instead let the parking industry look after itself so there is no cost to the taxpayer if ticketing is taken forward. An appeals process will also be put in place, and I shall address the detail of that shortly.

I listened carefully to the comments of the hon. Member for Kingston upon Hull North, and I think we are all trying to achieve the same outcome, but we just believe that we can get there in different ways. The best way in which I can respond to new clause 15 is by reference to the Government amendments in this group, which address ticketing issues.

The Government amendments propose a number of changes to schedule 4, which makes provision for vehicle keepers to be held liable for unpaid parking charges in certain circumstances. The amendments, many of which are of a drafting or technical nature, seek to clarify the effect of the provisions in order to reduce the potential for them to be misunderstood either deliberately or inadvertently by motorists, vehicle keepers and those responsible for parking restrictions and enforcement on private land.

In Committee, the hon. Lady argued for the introduction of a statutory scheme for the regulation of parking on private land which was the same as the one we are discussing now. The Opposition were particularly concerned for there to be statutory provision in respect of signage at car parks and appeals rights. That theme is again picked up in new clause 15.

Diana Johnson: I want the Minister to set out very clearly that the Government amendments do not provide for an independent appeals process, but are instead limited to keeper liability in very specific circumstances. They therefore do not provide proper and adequate independent appeals for anyone who receives a ticket.

Lynne Featherstone: For any land that is properly signed and under lawful authority, people will be protected by either consumer law or the appeals process that will be set up by the British Parking Association. If the hon. Lady lets me pursue my argument, I think that some of her questions will be answered.

I made it clear that parking enforcement was properly a matter for existing contract and consumer protection law, backed up by self-regulation by the parking industry. That remains the Government's position—that is clear. However, we have looked again at the provisions in schedule 4 to see whether they include adequate safeguards for motorists and vehicle keepers, and the amendments strengthen those in two ways.

First, on appeal rights and keeper liability, I fully agree with the hon. Lady that there should be appropriate safeguards for motorists, including access to an appeals body for drivers or vehicle keepers to challenge parking charges where they believe they have been wrongly or unfairly imposed. Amendment 59 makes it clear that the notice to the driver or the keeper of a vehicle must set out the arrangements for the resolution of disputes or complaints. We have asked the parking sector, led by the British Parking Association, to establish an independent appeals body, funded by the parking industry and free to consumers, to cover tickets issued by members of the BPA or another accredited trade association. We have also made it clear that we will not bring the keeper liability provisions in schedule 4 into force unless and until the sector establishes, financially supports and agrees to abide by the decisions of an independent challenge body. Unlike the hon. Lady, we do not see a need to constitute this appeals body in legislation. We believe that effective self-regulation by the parking industry is the right way forward, wherever possible, rather than relying on a governmental regulatory approach.

Diana Johnson: I am interested in what the Minister is saying. However, self-regulation for wheel-clamping clearly did not work and we are ending up in a similar position in this area. By providing self-regulation, we will find that the good ticketing and parking companies will be members of the BPA but the organisations that are just going to intimidate and impose excessive charges through ticketing notices on vehicles will not be covered by the appeals process.

Lynne Featherstone: Intimidation is against the law. I would say to any motorist intimidated by a rogue ticketer that they should report it immediately to the police.

Secondly, on signage, amendment 61 sets out a reserve power to prescribe requirements on the display, content and location of signs at car parks and other relevant land. I say a "reserve power" because parking providers will be able to access DVLA keeper data, and therefore benefit from the keeper liability provisions, only if they abide by the British Parking Association's code of practice on signage. We do not consider that regulation on signage will be necessary and we would want to introduce statutory rules on signage only if there was clear evidence that the BPA code was not living up to the job. I would be more than happy to read out to the hon. Lady the BPA code on signage, but it is quite long. Suffice it to say, it is big, clear and exactly what one would want in terms of proper parking signage. If that was not the case, we would keep an eye on the situation, but we do not want to introduce statutory rules about signage automatically because we believe that the BPA code will work.

The third significant change introduced by these amendments is to extend the application of the keeper liability regime to circumstances where an obligation to pay a parking charge arises as a result of parking on land without permission, which is to say in the context of a trespass or other tort. This change will help to address the concerns expressed by tenant associations and others about their ability to tackle unauthorised parking in communal parking areas once the ban on wheel-clamping comes into force. We have also made it clear in relation to vehicle hire companies that liability for any parking charges during the period of hire will rest with the hirer of the vehicle once the vehicle hire company provides a copy of the relevant documentation to the creditor. Again that reflects the position for on-road parking contraventions.

Finally, the amendments will allow for the use of CCTV or automatic number plate recognition technology, as well as the physical ticketing of vehicles, in order to manage parking on relevant land. Taken together, these amendments to schedule 4 will ensure that parking providers and other landowners will have an effective means of enforcing unpaid parking charges which are, at the same time, fair to the motorist and vehicle keepers.

On the concerns expressed about rogue ticketers, the Government are fully committed to monitoring the effect of the ban on vehicle immobilisation and removal and the associated keeper liability provisions in schedule 4.

9.30 pm

I have cited the case of Scotland, where such things did not happen in anything like the way described by the hon. Member for Kingston upon Hull North, but if there is evidence that we need to take further steps when the new arrangements are in place, we will do so. We recognise that some may attempt to extort money through rogue ticketing, but the evidence from Scotland is that that has not been a significant problem. Rogue ticketers, by definition, will not have access to the DVLA database, so will not be able to pursue the vehicle keeper. All they will be able to do is issue a ticket and hope the recipient pays up, which is quite a different level from the intimidation and extortion that exists through the bad practices of rogue wheel-clampers.

Ticketers will not be able to possess the car and prevent the person from getting away from the place where the car was parked. That is a different level of intimidation and threat to that experienced by those targeted by wheel-clampers who were out to extort money unfairly. No longer will motorists have their cars held hostage, which was clearly the main reason why the unscrupulous clampers were able to levy excessive charges. We believe that the measures we are introducing in the Bill, together with existing consumer protection laws, are sufficient to deal with issues such as rogue ticketing, inadequate signage and excessive charges.

Let me deal briefly with Government amendment 21 to clause 54, which responds to an issue raised by the hon. Member for Kingston upon Hull North in Committee. The hon. Lady referred to the concerns expressed by the British Parking Association about the effect of subsection (3) of the clause. The provision is intended to permit the continued use of barriers as a legitimate means of parking control and enforcement once the ban on wheel-clamping comes into force. As I said many times in Committee, it is not our intention that the presence of a barrier should, in itself, confer lawful authority for the wheel-clamping of a vehicle. It is clear, however, that subsection (3) as drafted has been read as providing such authority. The Government amendment puts the matter beyond doubt. A landowner will not be committing the clause 54 offence in circumstances where a fixed barrier, present at the time when a vehicle was parked on the land in question, restricts the movement of the vehicle, but that does not mean that the landowner will be able to resort to wheel-clamping or towing away in those circumstances. I trust that the amendment makes the position crystal clear.

Diana Johnson: Let us be clear. Are we saying that if someone receives a ticket in a private car park and there is a barrier that restricts the car from being driven away, that is completely legitimate? Is the Minister saying that a vehicle can still be immobilised by a barrier being put down at the front of the car park, with a ticket being issued, so that the car cannot move away? Is that correct?

Lynne Featherstone: The presence of the barrier means that the owner has either expressly or implicitly consented to pay the parking charges, which must be clearly labelled under either consumer protection law or the new laws under the keeper liability or BPA rules. If he or she has paid the charge, the barrier will be lifted and they can leave the car park. They must pay the charge for the barrier to be lifted, like a normal car park. That is what happens in a normal car park—when I go shopping, that is what happens. One complies.

Diana Johnson: The point I am trying to make to the Minister is that some rogue landowners will put down barriers to immobilise vehicles but will put a ticket for, say, £500 on the car, saying, "Pay the £500 and we will take the barrier up." That is the issue. I am concerned not about legitimate parking organisations that are members of the BPA, but about those rogue companies that are out to make a fast buck.

Lynne Featherstone: That has not been the experience in Scotland. I would say to motorists, first, that they should not enter unless the signage is clear and they know what they are doing, and, secondly, that if that were to happen, they should call the police. *[Interruption.]* I was about to say that I hope, in the light of the reassurance I have provided in respect of appeal rights and signage, that the hon. Lady will feel able to withdraw her new clause and support the Government's amendments, but I am not sure that the timing is entirely appropriate.

The hon. Lady asked about the six-month limit for hired cars and she made a good point that we are happy to consider further. She also asked about the effect of consumer protection legislation on ticketing. Where the terms and conditions on which land may be used for parking are displayed on a prominent sign at the entrance to the land, existing consumer protection legislation applies. Such legislation protects consumers from misleading information and unfair contract terms. That deals with the point about the £500 ticket the hon. Lady mentioned, which would, under that protection, clearly be an unfair contract term. For example, where signs for motorists in a car park are misleading or where other misleading or deceptive information is given, such as the use of tickets that look like local authority tickets, there may be a breach of consumer protection regulations. If so, local authority trading standards services and the Office of Fair Trading can take enforcement action.

Where there is no prominent sign setting out the terms and conditions according to which the land may be used, there is no protection, as I have said, and the motorist should not park there as he or she is probably trespassing. However, that may not always be clear and it may be that a car park provider could be accused of making a misleading omission under the Consumer Protection from Unfair Trading Regulations 2008 if they fail to provide information that no parking is allowed. Maximum penalties under the regulations are a £5,000 fine on summary conviction—that is in a magistrates court—or a fine or imprisonment for a term not exceeding two years, or both, on conviction or indictment in a Crown court. Furthermore, companies can pursue motorists for a parking fee only when they have the motorist's contact details, and the DVLA will provide those details only to companies that are registered with an accredited trade association. I have seen no evidence that contract law and consumer protection are defective in any way in that regard.

Let me return to the issue of extortionate fees and barriers, which the hon. Lady mentioned. If she was asking whether the exemption for barriers in clause 54(3) means that a landowner will still be able to charge extortionate fees to let motorists out of a car park where there is a barrier, the answer is no because, as I have said, subsection (3)(a) requires that

> "there is express or implied consent by the driver of the vehicle to restricting its movement by a fixed barrier".

Secondly, in order to establish a contract as a basis for payment, the terms for parking have to be clearly displayed. We consider that if a landowner demanded a fee for the vehicle's release without that basis, he would be committing an offence under subsection (1).

Stephen Pound (Ealing North) (Lab): I know that the hon. Lady's heart is in the right place and that we are trying to achieve something good with this Bill, but it is riddled with holes and exemptions. I foresee a scenario in which a person gets a ticket from one of these companies and the DVLA then provides that person's address to the ticketing company, which then applies for a bailiff's warrant in a distant court, and a bailiff then turns up and takes the person's car. With the best will in the world, ringing up trading standards or the police will not help. If these companies cannot get you one way they will get you another way, and bailiffs' warrants on vehicles will be in use.

Lynne Featherstone: I thank the hon. Gentleman for that, but he is wrong. A rogue ticketer who is not a member of an accredited trade association or the British Parking Association would not be able to access the information from the Driver and Vehicle Licensing Agency.

Stephen Pound: It is not rogue; it is the norm.

Lynne Featherstone: It is not the norm. This is about making parking work for everyone. We are changing what was an appalling blot on the landscape. There is probably not an MP in the House who has not written to me or the Minister who previously held my position with terrible tales of rogue clamping. At the very worst, if the hon. Lady—sorry, the hon. Gentleman—*[Interruption.]* I have forgotten my point now; it is lost to posterity.

Anyway, I hope that I have answered the points raised by the hon. Member for Kingston upon Hull North. We are trying to do the right thing; we are removing a scourge. The measures have been welcomed by motoring organisations and people across the land. There is nothing as popular as the measures, as a result of people's experiences of being clamped in unfair circumstances. I hope that the hon. Lady will feel able to withdraw her new clause and support the Government amendments. I fear that she may not, but I live in hope.

Mr Ben Bradshaw (Exeter) (Lab): I rise briefly to support new clause 15, tabled by my hon. Friend the Member for Kingston upon Hull North (Diana Johnson). In over 14 years as Member of Parliament for Exeter, I cannot recall a local grievance that has caused as many constituents to complain to me or seek my help as have done about the behaviour of private car park operators over the last 18 months or so. Constituents have been fined while going to buy a ticket; fined despite buying and displaying a ticket; and fined despite the fact that the ticket machine was broken at the time and the driver had left a note to that effect on his windscreen. One car park at Exeter airport, which has 24-hour digital recording of the cars going in and out, has fined motorists for using the car park to turn around in, or for driving in and out of it by mistake.

The vast majority of cases concern people who have been fined, not clamped. The common grievance is the sense of summary injustice and the lack of any right of proper appeal. In some cases, when I have intervened, the companies concerned have reduced or even waived the fines. My local newspaper, the *Express & Echo*, has also taken up individual cases and sought to name and shame the rogue operators, but no system of justice should have to depend on the intervention of an MP or a local newspaper. I wholeheartedly agree with the excellent editorial in *The Times* today that warned that the Bill threatens to make a bad situation worse. We need a proper right of appeal, and I am afraid that the appeal process outlined by the Minister, which will be on a voluntary basis, will not reassure my constituents.

Lynne Featherstone: Is the right hon. Gentleman saying that he would allow wheel-clamping on private land to continue?

Mr Bradshaw: No. I am making the same point that other Members have made: if we ban wheel-clamping, the danger is in the unforeseen consequences. As I hope that the hon. Lady will appreciate from her experience as a Minister, there is always a danger of moving the problem elsewhere. We are already seeing that happen in towns and cities such as mine. Her approach of a voluntary appeals process is wholly inadequate, given the problem out there; it certainly will not reassure my constituents who have suffered rogue fines.

I completely support the requirements in the new clause for any organisation enforcing a parking charge to be a member of an accredited association; for all parking signage to be clear; and for fine limits to be set at similar levels to maximum on-street parking fines. I hope that my hon. Friend the Member for Kingston upon Hull North will push the new clause to a vote, and that hon. Members will support her.

Guy Opperman: I used to be one of the Automobile Association's retained counsels. That is not necessarily a recommendation, but it is a past fact that I must acknowledge. I am no longer one of its retained counsels, and I am no longer a wheel-clamping specialist, but I was the counsel who represented Mrs Marina Vine. On 6 March 1997, she went to Langthorne hospital in Leytonstone. She was suffering from ulcerative colitis, and effectively she was being tested for a type of cancer. She left hospital, and on her way home, she felt violently sick. She pulled over to the side of the road, went on to what turned out to be private land, and was violently sick approximately 15 yards away from her car, just around a corner from it. In the time that intervened before her return—approximately three to four minutes—her car was wheel-clamped. She literally had to beg the clamper to release her car, but they would not do so unless she paid £105.

9.45 pm

Everyone in the House, whether they have been here for as little as 18 months, as I have been, or for longer, understands that there is a significant problem with wheel-clamping which, it is fair to say, the previous Government attempted to address—no one disputes that. It is right that we should change the law to try to reform it, but I wish to stress one point. The hon. Member for Kingston upon Hull North (Diana Johnson) has tabled new clause 15, which seeks to make it a criminal offence to issue an excessive parking charge. I do not intend any disrespect to the hon. Lady, but section 1 of the Fraud Act 2006, which was introduced by the previous Government, the Theft Act 1968 and other measures that deal with obtaining property by deception apply in circumstances in which someone commits an offence without lawful authority—effectively dishonestly—and requires a driver or anyone in possession of a vehicle to pay a parking charge in relation to a contract to park that vehicle.

Effectively, those people take money from someone in circumstances in which they have no lawful authority to do so. I have no objection to reforming or tightening up the law in relation to wheel-clamping, but the new clause alleges that it creates a new criminal offence, when that is manifestly not the case.

Mr Mark Spencer (Sherwood) (Con): Does my hon. Friend have any sympathy with the small company that has a piece of land in front of its office for its staff to park on, only for a member of the public to abuse that car park and park inappropriately and selfishly? The company lacks the ability to enforce provisions on its own land in front of its own building.

Guy Opperman: Everyone would have sympathy with those circumstances. We have all, in the process of representing our constituents, encountered wheel-clamping cases that are to the detriment of the industry itself and the previous measures that applied.

I am mindful that other Members wish to speak on an important provision, so I shall merely make the point that new clause 15 adds nothing whatsoever to the existing criminal law. As much as I support the efforts of *The Times* and various organisations, what we have is sufficient.

Henry Smith (Crawley) (Con): I am conscious, after the previous debate in which we discussed DNA, civil liberties and serious crime, that this may appear to be a mundane matter. However, as we have heard this evening and on other occasions, it is a source of great concern to our constituents up and down the country. I am pleased that it will be addressed in the Bill.

I very much support, as my hon. Friend the Member for Hexham (Guy Opperman) said a few moments ago, the introduction of a ban on wheel-clamping. As the Minister pointed out, a ban has been successful for 19 years in Scotland, and it is high time that such a provision was introduced in England and Wales. However, I very much wish to echo the concerns outlined by the right hon. Member for Exeter (Mr Bradshaw) and the hon. Member for Kingston upon Hull North (Diana Johnson) that we may be shifting the problem elsewhere.

The protections that motorists enjoy as consumers differ enormously, depending on whether they park on local authority-controlled land or on privately controlled land. Under the local authority system, which is covered extensively by legislation, as we have heard, there is an appeals process that is laid down in legislation, and there is a reasonable level of fining. If someone transgresses, or apparently transgresses, the rules in a council car park, they are issued with a penalty notice of about £50, which is reduced to half that amount if it is paid within 28 days. Some two thirds of people who appeal to local authority car-park operators are successful, because they can demonstrate that they did indeed buy a ticket, which perhaps fell off the dashboard, or they can give another legitimate reason for their appeal.

That contrasts significantly with the situation of people who park on privately available public car parks and those operated by rogue car park operators. I have had one of those in my constituency. I know from raising the issue in a Westminster Hall debate that many other hon. Members have had similar problems. People, often elderly and vulnerable, receive a threatening letter in the

[Henry Smith]

post demanding payment, sometimes of £70 or even more. Within a couple of weeks that demand is hyped up to perhaps double the amount. There are then threats to send in the bailiffs and threats to destroy credit ratings. Even people whom we would not describe as vulnerable get very concerned, understandably, that their credit rating might be affected, and they end up paying the so-called fine—it is not, of course, a criminal penalty—because they simply want the problem to go away.

Earlier in the Session I introduced a private Member's Bill on the very issue of consumer protection in relation to private car parks. Of course my Bill is rapidly going the way of the vast majority of private Members' Bills. In it I proposed that local authorities should have the ability to license the operation of private car parks, in the same way as they license publicans or taxis. That would allow a responsive approach through the democratic system at a local level. However, I accept that my Bill is unlikely to find its way on to the statute book.

I hear what the Minister says with regard to self-regulation through the British Parking Association. I have met the chief executive of that organisation on a number of occasions. My assessment of its operation has been that the pilots that it has run so far have not been overly successful. It tends to be the responsible companies that are involved in such schemes, and the irresponsible ones that, understandably, are not.

I recognise that we have enough regulation on the statute book, and that the self-regulation route is the best way to go. However, if we are to go down the self-regulation route, I note that the legislation has provision for reserve powers to have the matter reviewed. I seek an assurance from the Minister that when the British Parking Association and perhaps other accredited organisations introduce an independent system of appeals, that is reviewed in a timely manner. If, as I suspect—I hope I am wrong—self-regulation does not work, those reserve powers will have to be used.

Diana Johnson: We have had an interesting debate re-examining the issue. Having listened to the Minister explaining the provisions that she is seeking to introduce by means of amendments to the Bill, and having heard her explanation of clause 54(3), I am even more concerned that companies that wish to get round the law, operate in an intimidating way and issue excessive parking tickets will see this as an opportunity to go ahead. Under clause 54(3) putting down a barrier in effect immobilises a vehicle, so I am particularly concerned about the Minister's response on that.

The impact assessment sets out that when issued with a ticket, 74% of people will pay up, so it is well worth rogue ticketing companies putting tickets on vehicles and getting those 74% of people to pay up. They do not have to worry about dealing with the 26% who might appeal from the keeper liability angle.

I am keen to test the opinion of the House on new clause 15. In terms of rogue wheel-clampers, I think that motorists are going to be out of the frying pan and into the fire and that the rogue companies will run riot. The problem will not be solved and I think that we will be back here another day.

Guy Opperman: Does the hon. Lady not accept that the Theft Act 1968, consumer protection legislation or, more particularly, the Fraud Act 2006 apply in exactly the same way as new clause 15?

Diana Johnson: Unfortunately, none of those Acts has ever been used to deal with wheel-clamping problems. I assume that the hon. Gentleman thinks that they could be used where people have obtained excessive amounts of money by wheel-clamping and immobilising a vehicle. However, our new clause has the support of the AA, the RAC and the British Parking Association. Furthermore, given the views expressed by 98% of the 12,000 people polled on this issue, I think that we are on the side of motorists and the British public, and I certainly wish to push the new clause to a vote.

Question put, That the clause be read a Second time.

The House divided: Ayes 230, Noes 301.

Division No. 35[illegible]] **[9.56 pm**

AYES

Abbott, Ms Diane
Abrahams, Debbie
Ainsworth, rh Mr Bob
Alexander, rh Mr Douglas
Alexander, Heidi
Allen, Mr Graham
Anderson, Mr David
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bain, Mr William
Balls, rh Ed
Banks, Gordon
Barron, rh Mr Kevin
Beckett, rh Margaret
Begg, Dame Anne
Bell, Sir Stuart
Benn, rh Hilary
Berger, Luciana
Betts, Mr Clive
Blackman-Woods, Roberta
Blenkinsop, Tom
Bradshaw, rh Mr Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr Nicholas
Brown, Mr Russell
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burnham, rh Andy
Byrne, rh Mr Liam
Campbell, Mr Alan
Campbell, Mr Ronnie
Chapman, Mrs Jenny
Clark, Katy
Clarke, rh Mr Tom
Clwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cunningham, Alex
Cunningham, Mr Jim
Cunningham, Tony
Curran, Margaret
Dakin, Nic
Danczuk, Simon
David, Mr Wayne
Davidson, Mr Ian
Davies, Geraint
De Piero, Gloria
Denham, rh Mr John
Dobbin, Jim
Dobson, rh Frank
Docherty, Thomas
Dodds, rh Mr Nigel
Donaldson, rh Mr Jeffrey M.
Donohoe, Mr Brian H.
Dowd, Jim
Doyle, Gemma
Dromey, Jack
Dugher, Michael
Durkan, Mark
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Ellman, Mrs Louise
Engel, Natascha
Esterson, Bill
Evans, Chris
Farrelly, Paul
Field, rh Mr Frank
Fitzpatrick, Jim
Flello, Robert
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Francis, Dr Hywel
Gapes, Mike
Gardiner, Barry
Gilmore, Sheila
Glass, Pat
Glindon, Mrs Mary

Godsiff, Mr Roger
Goggins, rh Paul
Goodman, Helen
Greatrex, Tom
Green, Kate
Greenwood, Lilian
Griffith, Nia
Gwynne, Andrew
Hain, rh Mr Peter
Hanson, rh Mr David
Harris, Mr Tom
Havard, Mr Dai
Healey, rh John
Hendrick, Mark
Hepburn, Mr Stephen
Hillier, Meg
Hilling, Julie
Hodge, rh Margaret
Hoey, Kate
Hood, Mr Jim
Hopkins, Kelvin
Hunt, Tristram
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs Siân C.
Jamieson, Cathy
Jarvis, Dan
Johnson, rh Alan
Johnson, Diana
Jones, Helen
Jones, Susan Elan
Jowell, rh Tessa
Joyce, Eric
Kendall, Liz
Khan, rh Sadiq
Lammy, rh Mr David
Lazarowicz, Mark
Leslie, Chris
Lewis, Mr Ivan
Lloyd, Tony
Llwyd, rh Mr Elfyn
Love, Mr Andrew
Lucas, Caroline
Lucas, Ian
Mactaggart, Fiona
Mahmood, Shabana
Mann, John
Marsden, Mr Gordon
McCabe, Steve
McCann, Mr Michael
McCarthy, Kerry
McClymont, Gregg
McCrea, Dr William
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr Pat
McGovern, Alison
McGovern, Jim
McGuire, rh Mrs Anne
McKechin, Ann
McKenzie, Mr Iain
McKinnell, Catherine
Meacher, rh Mr Michael
Mearns, Ian
Michael, rh Alun
Miliband, rh David
Miller, Andrew
Mitchell, Austin
Moon, Mrs Madeleine
Morden, Jessica
Morrice, Graeme *(Livingston)*
Morris, Grahame M.
(Easington)
Munn, Meg
Murphy, rh Mr Jim
Murphy, rh Paul
Murray, Ian
Nandy, Lisa
Nash, Pamela
O'Donnell, Fiona
Onwurah, Chi
Osborne, Sandra
Owen, Albert
Paisley, Ian
Pearce, Teresa
Perkins, Toby
Pound, Stephen
Qureshi, Yasmin
Raynsford, rh Mr Nick
Reed, Mr Jamie
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Riordan, Mrs Linda
Robertson, John
Robinson, Mr Geoffrey
Rotheram, Steve
Roy, Mr Frank
Roy, Lindsay
Ruane, Chris
Sarwar, Anas
Seabeck, Alison
Sharma, Mr Virendra
Sheerman, Mr Barry
Shuker, Gavin
Simpson, David
Skinner, Mr Dennis
Slaughter, Mr Andy
Smith, rh Mr Andrew
Smith, Angela
Smith, Nick
Smith, Owen
Spellar, rh Mr John
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr Gerry
Tami, Mark
Thomas, Mr Gareth
Thornberry, Emily
Timms, rh Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Twigg, Stephen
Umunna, Mr Chuka
Vaz, rh Keith
Vaz, Valerie
Walley, Joan
Watson, Mr Tom
Watts, Mr Dave
Whitehead, Dr Alan
Williams, Hywel
Williamson, Chris
Wilson, Phil
Winnick, Mr David
Winterton, rh Ms Rosie
Woodcock, John
Wright, David
Wright, Mr Iain

Tellers for the Ayes:
Mr David Hamilton and
Graham Jones

NOES

Afriyie, Adam
Aldous, Peter
Amess, Mr David
Andrew, Stuart
Arbuthnot, rh Mr James
Bacon, Mr Richard
Baker, Norman
Baker, Steve
Barclay, Stephen
Barker, Gregory
Baron, Mr John
Barwell, Gavin
Bebb, Guto
Beith, rh Sir Alan
Bellingham, Mr Henry
Benyon, Richard
Beresford, Sir Paul
Berry, Jake
Bingham, Andrew
Birtwistle, Gordon
Blackwood, Nicola
Blunt, Mr Crispin
Bone, Mr Peter
Bradley, Karen
Brady, Mr Graham
Brake, rh Tom
Bray, Angie
Brazier, Mr Julian
Bridgen, Andrew
Brine, Mr Steve
Brokenshire, James
Brooke, Annette
Browne, Mr Jeremy
Bruce, Fiona
Buckland, Mr Robert
Burley, Mr Aidan
Burns, Conor
Burns, rh Mr Simon
Burstow, Paul
Burt, Alistair
Burt, Lorely
Byles, Dan
Cable, rh Vince
Cairns, Alun
Carmichael, Neil
Carswell, Mr Douglas
Chishti, Rehman
Chope, Mr Christopher
Clappison, Mr James
Clark, rh Greg
Clarke, rh Mr Kenneth
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Colvile, Oliver
Cox, Mr Geoffrey
Crabb, Stephen
Crockart, Mike
Crouch, Tracey
Davey, Mr Edward
Davies, David T. C.
(Monmouth)
Davies, Glyn
Davies, Philip
Davis, rh Mr David
de Bois, Nick
Djanogly, Mr Jonathan
Dorrell, rh Mr Stephen
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duncan Smith, rh Mr Iain
Ellis, Michael
Ellison, Jane
Ellwood, Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Graham
Evans, Jonathan
Evennett, Mr David
Fabricant, Michael
Fallon, Michael
Farron, Tim
Featherstone, Lynne
Field, Mr Mark
Foster, rh Mr Don
Francois, rh Mr Mark
Freeman, George
Freer, Mike
Fullbrook, Lorraine
Fuller, Richard
Garnier, Mark
Gauke, Mr David
George, Andrew
Gibb, Mr Nick
Gilbert, Stephen
Gillan, rh Mrs Cheryl
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Graham, Richard
Grant, Mrs Helen
Gray, Mr James
Green, Damian
Grieve, rh Mr Dominic
Griffiths, Andrew
Gummer, Ben
Gyimah, Mr Sam
Halfon, Robert
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, Matthew
Hancock, Mr Mike
Hands, Greg
Harper, Mr Mark
Harrington, Richard
Harris, Rebecca
Hart, Simon
Harvey, Nick
Haselhurst, rh Sir Alan
Hayes, Mr John
Heald, Oliver
Heath, Mr David
Heaton-Harris, Chris
Hemming, John
Henderson, Gordon
Hendry, Charles
Herbert, rh Nick
Hinds, Damian
Hoban, Mr Mark
Hollingbery, George
Hollobone, Mr Philip
Hopkins, Kris
Horwood, Martin
Howarth, Mr Gerald
Howell, John
Hughes, rh Simon
Hunter, Mark
Huppert, Dr Julian
Hurd, Mr Nick
Jackson, Mr Stewart
James, Margot

Javid, Sajid
Jenkin, Mr Bernard
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Kelly, Chris
Kirby, Simon
Knight, rh Mr Greg
Kwarteng, Kwasi
Laing, Mrs Eleanor
Lancaster, Mark
Latham, Pauline
Laws, rh Mr David
Leadsom, Andrea
Lee, Jessica
Lee, Dr Phillip
Leech, Mr John
Lefroy, Jeremy
Leigh, Mr Edward
Leslie, Charlotte
Letwin, rh Mr Oliver
Lewis, Brandon
Lewis, Dr Julian
Liddell-Grainger, Mr Ian
Lilley, rh Mr Peter
Lloyd, Stephen
Lopresti, Jack
Lord, Jonathan
Loughton, Tim
Macleod, Mary
Maynard, Paul
McCartney, Jason
McCartney, Karl
McIntosh, Miss Anne
McLoughlin, rh Mr Patrick
McPartland, Stephen
McVey, Esther
Mensch, Louise
Menzies, Mark
Metcalfe, Stephen
Miller, Maria
Mills, Nigel
Milton, Anne
Mitchell, rh Mr Andrew
Moore, rh Michael
Mordaunt, Penny
Morgan, Nicky
Morris, Anne Marie
Morris, David
Morris, James
Mosley, Stephen
Mowat, David
Mulholland, Greg
Munt, Tessa
Murray, Sheryll
Murrison, Dr Andrew
Neill, Robert
Newmark, Mr Brooks
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Nuttall, Mr David
Offord, Mr Matthew
Ollerenshaw, Eric
Opperman, Guy
Ottaway, Richard
Parish, Neil
Patel, Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, Mike
Penrose, John
Perry, Claire
Phillips, Stephen
Pickles, rh Mr Eric
Pincher, Christopher
Poulter, Dr Daniel
Prisk, Mr Mark
Pugh, John
Raab, Mr Dominic
Redwood, rh Mr John
Rees-Mogg, Jacob
Reevell, Simon
Reid, Mr Alan
Rifkind, rh Sir Malcolm
Robathan, rh Mr Andrew
Robertson, Hugh
Robertson, Mr Laurence
Rogerson, Dan
Rosindell, Andrew
Rudd, Amber
Ruffley, Mr David
Rutley, David
Sanders, Mr Adrian
Sandys, Laura
Scott, Mr Lee
Selous, Andrew
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simmonds, Mark
Simpson, Mr Keith
Skidmore, Chris
Smith, Miss Chloe
Smith, Henry
Smith, Julian
Smith, Sir Robert
Soubry, Anna
Spencer, Mr Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, Mel
Stuart, Mr Graham
Stunell, Andrew
Sturdy, Julian
Swayne, rh Mr Desmond
Swire, rh Mr Hugo
Syms, Mr Robert
Teather, Sarah
Thurso, John
Timpson, Mr Edward
Tomlinson, Justin
Tredinnick, David
Turner, Mr Andrew
Tyrie, Mr Andrew
Uppal, Paul
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Mrs Theresa
Walker, Mr Charles
Wallace, Mr Ben
Walter, Mr Robert
Ward, Mr David
Watkinson, Angela
Weatherley, Mike
Webb, Steve
Wharton, James
Wheeler, Heather
White, Chris
Whittaker, Craig
Whittingdale, Mr John
Willetts, rh Mr David
Williams, Mr Mark
Williams, Roger
Williams, Stephen
Williamson, Gavin
Willott, Jenny
Wilson, Mr Rob
Wollaston, Dr Sarah
Wright, Jeremy
Wright, Simon
Yeo, Mr Tim
Young, rh Sir George
Zahawi, Nadhim

Tellers for the Noes:
Bill Wiggin and
Mr Philip Dunne

Question accordingly negatived.

10.10 pm

Proceedings interrupted (Programme Order, this day).

Mr Speaker put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).

Clause 54

OFFENCE OF IMMOBILISING ETC. VEHICLES

Amendment made: 21, page 38, leave out lines 14 to 18 and insert—

'(3) But, where the restriction of the movement of the vehicle is by means of a fixed barrier and the barrier was present (whether or not lowered into place or otherwise restricting movement) when the vehicle was parked, any express or implied consent (whether or not legally binding) of the driver of the vehicle to the restriction is, for the purposes of subsection (1), lawful authority for the restriction.'.—*(James Duddridge.)*

Clause 56

RECOVERY OF UNPAID PARKING CHARGES

Amendment made: 76, page 39, line 11, leave out from 'keeper' to 'has' in line 12 and insert

'or hirer of a vehicle in certain circumstances)'.—*(James Duddridge.)*

Schedule 4

RECOVERY OF UNPAID PARKING CHARGES

Amendments made: 39, page 113, line 11, leave out 'a relevant contract' and insert

'virtue of a relevant obligation'.

Amendment 40, page 113, line 14, leave out

'or have only been partly paid'

and insert 'in full'.

Amendment 41, page 113, line 22, leave out 'claim' and insert 'recover'.

Amendment 42, page 113, line 24, leave out from 'service"' to end of line 25 and insert

'means—

(a) in the case of the keeper, an address which is either—
    (i) an address at which documents relating to civil proceedings could properly be served on the person concerned under Civil Procedure Rules; or
    (ii) the keeper's registered address (if there is one); or
(b) in the case of the driver, an address at which the driver for the time being resides or can conveniently be contacted;'.

Amendment 43, page 113, line 30, at end insert—

'"notice to driver" means a notice given in accordance with paragraph 6A;

"notice to keeper" means a notice given in accordance with paragraph 6B or 6C (as the case may be);'.

Amendment 44, page 113, line 31, leave out from 'charge"' to end of line 33 and insert—

'—

(a) in the case of a relevant obligation arising under the terms of a relevant contract, means a sum in the nature of a fee or charge, and

(b) in the case of a relevant obligation arising as a result of a trespass or other tort, means a sum in the nature of damages,

however the sum in question is described;'.

Amendment 45, page 113, line 33, at end insert—

'"registered address" means, in relation to the keeper of a registered vehicle, the address described in paragraph 7(3)(b) (as provided by the Secretary of State in response to the application for the keeper's details required by paragraph 7);'.

Amendment 46, page 113, line 39, after 'on the' insert 'relevant'.

Amendment 47, page 114, line 3, at end insert—

'"relevant obligation" means—

(a) an obligation arising under the terms of a relevant contract; or

(b) an obligation arising, in any circumstances where there is no relevant contract, as a result of a trespass or other tort committed by parking the vehicle on the relevant land;'.

Amendment 48, page 114, leave out lines 4 to 6.

Amendment 49, page 114, line 8, at end insert—

'(2) The reference in the definition of "parking charge" to a sum in the nature of damages is to a sum of which adequate notice was given to drivers of vehicles (when the vehicle was parked on the relevant land).

(3) For the purposes of sub-paragraph (2) "adequate notice" means notice given by—

(a) the display of one or more notices in accordance with any applicable requirements prescribed in regulations under paragraph 7A for, or for purposes including, the purposes of sub-paragraph (2); or

(b) where no such requirements apply, the display of one or more notices which—

(i) specify the sum as the charge for unauthorised parking; and

(ii) are adequate to bring the charge to the notice of drivers who park vehicles on the relevant land.'.

Amendment 50, page 114, line 40, leave out 'claim payment of' and insert 'recover'.

Amendment 51, page 114, line 42, leave out sub-paragraphs (2) to (6) and insert—

'(2) The right under this paragraph applies only if—

(a) the conditions specified in paragraphs 5, 6, 7 and 7A (so far as applicable) are met; and

(b) the vehicle was not a stolen vehicle at the beginning of the period of parking to which the unpaid parking charges relate.

(3) For the purposes of the condition in sub-paragraph (2)(b), the vehicle is to be presumed not to be a stolen vehicle at the material time, unless the contrary is proved.

(4) The right under this paragraph may only be exercised after the end of the period of 28 days beginning with the day on which the notice to keeper is given.'.

Amendment 52, page 115, line 17, leave out 'claimed' and insert 'recovered'.

Amendment 53, page 115, line 18, leave out

'the driver under paragraph 6(2)(d) less'

and insert

'keeper under paragraph 6B(2)(c) or (d) or, as the case may be, 6C(2)(d) (less'.

Amendment 54, page 115, line 20, leave out 'notice is given' and insert 'time so specified)'.

Amendment 77, page 115, line 23, at end insert—

'(9) The right under this paragraph is subject to paragraph 7B (which provides for the right not to apply in certain circumstances in the case of a hire car).'.

Amendment 55, page 115, line 26, leave out from 'vehicle' to 'but' in line 28 and insert

'the requirement to pay the unpaid parking charges;'.

Amendment 56, page 115, line 29, leave out 'enforce those terms' and insert

'take steps to enforce that requirement'.

Amendment 57, page 115, line 32, leave out sub-paragraph (2) and insert—

'(2) Sub-paragraph (1)(b) ceases to apply if (at any time after the end of the period of 28 days beginning with the day on which the notice to keeper is given) the creditor begins proceedings to recover the unpaid parking charges from the keeper.'.

Amendment 58, page 115, line 34, leave out sub-paragraph (3).

Amendment 59, page 115, line 38, leave out paragraph 6 and insert—

'6 (1) The second condition is that the creditor (or a person acting for or on behalf of the creditor)—

(a) has given a notice to driver in accordance with paragraph 6A, followed by a notice to keeper in accordance with paragraph 6B; or

(b) has given a notice to keeper in accordance with paragraph 6C.

(2) If a notice to driver has been given, any subsequent notice to keeper must be given in accordance with paragraph 6B.

6A (1) A notice which is to be relied on as a notice to driver for the purposes of paragraph 6(1)(a) is given in accordance with this paragraph if the following requirements are met.

(2) The notice must—

(a) specify the vehicle, the relevant land on which it was parked and the period of parking to which the notice relates;

(b) inform the driver of the requirement to pay parking charges in respect of the specified period of parking and describe those charges, the circumstances in which the requirement arose (including the means by which it was brought to the attention of drivers) and the other facts that made those charges payable;

(c) inform the driver that the parking charges relating to the specified period of parking have not been paid in full and specify the total amount of the unpaid parking charges relating to that period, as at a time which is—

(i) specified in the notice; and

(ii) no later than the time specified under paragraph (f);

(d) inform the driver of any discount offered for prompt payment and the arrangements for the resolution of disputes or complaints that are available;

(e) identify the creditor and specify how and to whom payment may be made;

(f) specify the time when the notice is given and the date.

(3) The notice must relate only to a single period of parking specified under sub-paragraph (2)(a) (but this does not prevent the giving of separate notices each specifying different parts of a single period of parking).

(4) The notice must be given—

(a) before the vehicle is removed from the relevant land after the end of the period of parking to which the notice relates, and

(b) while the vehicle is stationary,

by affixing it to the vehicle or by handing it to a person appearing to be in charge of the vehicle.

6B (1) A notice which is to be relied on as a notice to keeper for the purposes of paragraph 6(1)(a) is given in accordance with this paragraph if the following requirements are met.

(2) The notice must—

(a) specify the vehicle, the relevant land on which it was parked and the period of parking to which the notice relates;

(b) inform the keeper that the driver is required to pay parking charges in respect of the specified period of parking and that the parking charges have not been paid in full;

(c) state that a notice to driver relating to the specified period of parking has been given and repeat the information in that notice as required by paragraph 6A(2)(b), (c) and (f);

(d) if the unpaid parking charges specified in that notice to driver as required by paragraph 6A(2)(c) have been paid in part, specify the amount that remains unpaid, as at a time which is—

(i) specified in the notice to keeper, and

(ii) no later than the end of the day before the day on which the notice is either sent by post or, as the case may be, handed to or left at a current address for service for the keeper (see sub-paragraph (4));

(e) state that the creditor does not know both the name of the driver and a current address for service for the driver and invite the keeper—

(i) to pay the unpaid parking charges; or

(ii) if the keeper was not the driver of the vehicle, to notify the creditor of the name of the driver and a current address for service for the driver and to pass the notice on to the driver;

(f) warn the keeper that if, at the end of the period of 28 days beginning with the day after that on which the notice to keeper is given—

(i) the amount of the unpaid parking charges (as specified under paragraph (c) or (d)) has not been paid in full, and

(ii) the creditor does not know both the name of the driver and a current address for service for the driver,

the creditor will (if all the applicable conditions under this Schedule are met) have the right to recover from the keeper so much of that amount as remains unpaid;

(g) inform the keeper of any discount offered for prompt payment and the arrangements for the resolution of disputes or complaints that are available;

(h) identify the creditor and specify how and to whom payment or notification to the creditor may be made;

(i) specify the date on which the notice is sent (if it is sent by post) or given (in any other case).

(3) The notice must relate only to a single period of parking specified under sub-paragraph (2)(a) (but this does not prevent the giving of separate notices which each specify different parts of a single period of parking).

(4) The notice must be given by—

(a) handing it to the keeper, or leaving it at a current address for service for the keeper, within the relevant period; or

(b) sending it by post to a current address for service for the keeper so that it is delivered to that address within the relevant period.

(5) The relevant period for the purposes of sub-paragraph (4) is the period of 28 days following the period of 28 days beginning with the day after that on which the notice to driver was given.

(6) A notice sent by post is to be presumed, unless the contrary is proved, to have been delivered (and so "given" for the purposes of sub-paragraph (4)) on the second working day after the day on which it is posted; and for this purpose "working day" means any day other than a Saturday, Sunday or a public holiday in England and Wales.

(7) When the notice is given it must be accompanied by any evidence prescribed under paragraph 6D.

6C (1) A notice which is to be relied on as a notice to keeper for the purposes of paragraph 6(1)(b) is given in accordance with this paragraph if the following requirements are met.

(2) The notice must—

(a) specify the vehicle, the relevant land on which it was parked and the period of parking to which the notice relates;

(b) inform the keeper that the driver is required to pay parking charges in respect of the specified period of parking and that the parking charges have not been paid in full;

(c) describe the parking charges due from the driver as at the end of that period, the circumstances in which the requirement to pay them arose (including the means by which the requirement was brought to the attention of drivers) and the other facts that made them payable;

(d) specify the total amount of those parking charges that are unpaid, as at a time which is—

(i) specified in the notice; and

(ii) no later than the end of the day before the day on which the notice is either sent by post or, as the case may be, handed to or left at a current address for service for the keeper (see sub-paragraph (4));

(e) state that the creditor does not know both the name of the driver and a current address for service for the driver and invite the keeper—

(i) to pay the unpaid parking charges; or

(ii) if the keeper was not the driver of the vehicle, to notify the creditor of the name of the driver and a current address for service for the driver and to pass the notice on to the driver;

(f) warn the keeper that if, after the period of 28 days beginning with the day after that on which the notice is given—

(i) the amount of the unpaid parking charges specified under paragraph (d) has not been paid in full, and

(ii) the creditor does not know both the name of the driver and a current address for service for the driver,

the creditor will (if all the applicable conditions under this Schedule are met) have the right to recover from the keeper so much of that amount as remains unpaid;

(g) inform the keeper of any discount offered for prompt payment and the arrangements for the resolution of disputes or complaints that are available;

(h) identify the creditor and specify how and to whom payment or notification to the creditor may be made;

(i) specify the date on which the notice is sent (where it is sent by post) or given (in any other case).

(3) The notice must relate only to a single period of parking specified under sub-paragraph (2)(a) (but this does not prevent the giving of separate notices which each specify different parts of a single period of parking).

(4) The notice must be given by—

(a) handing it to the keeper, or leaving it at a current address for service for the keeper, within the relevant period; or

(b) sending it by post to a current address for service for the keeper so that it is delivered to that address within the relevant period.

(5) The relevant period for the purposes of sub-paragraph (4) is the period of 14 days beginning with the day after that on which the specified period of parking ended.

(6) A notice sent by post is to be presumed, unless the contrary is proved, to have been delivered (and so "given" for the purposes of sub-paragraph (4)) on the second working day after the day on which it is posted; and for this purpose "working day" means any day other than a Saturday, Sunday or a public holiday in England and Wales.

(7) When the notice is given it must be accompanied by any evidence prescribed under paragraph 6D.

6D (1) The appropriate national authority may by regulations made by statutory instrument prescribe evidence which must accompany a notice which is to be relied on as a notice to keeper for the purposes of paragraph 6(1)(a) or paragraph 6(1)(b) (as the case may be).

(2) The regulations may in particular make provision as to—

- (a) the means by which any prescribed evidence is to be generated or otherwise produced (which may include a requirement to use equipment of a kind approved for the purpose by a person specified in the regulations); or
- (b) the circumstances in which any evidence is, or is not, required to accompany a notice to keeper.

(3) The regulations may—

- (a) include incidental, supplementary, transitional, transitory or saving provision;
- (b) make different provision for different purposes.'.

Amendment 60, page 116, line 23, leave out paragraph 7 and insert—

'7 (1) The third condition is that—

- (a) the creditor (or a person acting for or on behalf of the creditor) has made an application for the keeper's details in relation to the period of parking to which the unpaid parking charges relate;
- (b) the application was made during the relevant period for the purposes of paragraph 6B(4) (where a notice to driver has been given) or 6C(4) (where no notice to driver has been given);
- (c) the information sought by the application is provided by the Secretary of State to the applicant.

(2) The third condition only applies if the vehicle is a registered vehicle.

(3) In this paragraph "application for the keeper's details" means an application for the following information to be provided to the applicant by virtue of regulations made under section 22(1)(c) of the Vehicle Excise and Registration Act 1994—

- (a) the name of the registered keeper of the vehicle during the period of parking to which the unpaid parking charges relate; and
- (b) the address of that person as it appears on the register (or, if that person has ceased to be the registered keeper, as it last appeared on the register).'.

Amendment 61, page 117, line 2, at end insert—

'7A (1) The fourth condition is that any applicable requirements prescribed under this paragraph were met at the beginning of the period of parking to which the unpaid parking charges relate.

(2) The appropriate national authority may by regulations made by statutory instrument prescribe requirements as to the display of notices on relevant land where parking charges may be incurred in respect of the parking of vehicles on the land.

(3) The provision made under sub-paragraph (2) may, in particular, include provision—

- (a) requiring notices of more than one kind to be displayed on any relevant land;
- (b) as to the content or form of any notices required to be displayed; and
- (c) as to the location of any notices required to be displayed.

(4) Regulations under this paragraph may—

- (a) include incidental, supplementary, transitional, transitory or saving provision;
- (b) make different provision for different areas or purposes.'.

Amendment 78, page 117, line 2, at end insert—

'*Hire vehicles*

7B (1) This paragraph applies in the case of parking charges incurred in respect of the parking of a vehicle on relevant land if—

- (a) the vehicle was at the time of parking hired to any person under a hire agreement with a vehicle-hire firm; and
- (b) the keeper has been given a notice to keeper within the relevant period for the purposes of paragraph 6B(4) or 6C(4) (as the case may be).

(2) The creditor may not exercise the right under paragraph 4 to recover from the keeper any unpaid parking charges specified in the notice to keeper if, within the period of 28 days beginning with the day after that on which that notice was given, the creditor is given—

- (a) a statement signed by or on behalf of the vehicle-hire firm to the effect that at the material time the vehicle was hired to a named person under a hire agreement;
- (b) a copy of the hire agreement; and
- (c) a copy of a statement of liability signed by the hirer under that hire agreement.

(3) The statement of liability required by sub-paragraph (2)(c) must—

- (a) contain a statement by the hirer to the effect that the hirer acknowledges responsibility for any parking charges that may be incurred with respect to the vehicle while it is hired to the hirer;
- (b) include an address given by the hirer (whether a residential, business or other address) as one at which documents may be given to the hirer;

(and it is immaterial whether the statement mentioned in paragraph (a) relates also to other charges or penalties of any kind).

(4) A statement required by sub-paragraph (2)(a) or (c) must be in such form (if any) as may be prescribed by the appropriate national authority by regulations made by statutory instrument.

(5) The documents mentioned in sub-paragraph (2) must be given by—

- (a) handing them to the creditor;
- (b) leaving them at any address which is specified in the notice to keeper as an address at which documents may be given to the creditor or to which payments may be sent; or
- (c) sending them by post to such an address so that they are delivered to that address within the period mentioned in that sub-paragraph.

(6) In this paragraph and paragraph 7C—

- (a) "hire agreement" means an agreement which—
  - (i) provides for a vehicle to be let to a person ("the hirer") for a period not exceeding 6 months (whether or not the period is capable of extension by agreement between the parties so as to exceed 6 months); and
  - (ii) is not a hire-purchase agreement within the meaning of the Consumer Credit Act 1974;
- (b) any reference to the currency of a hire agreement includes a reference to any period during which, with the consent of the vehicle-hire firm, the hirer continues in possession of the vehicle as hirer, after the expiry of any period specified in the agreement but otherwise on terms and conditions specified in it; and
- (c) "vehicle-hire firm" means any person engaged in the hiring of vehicles in the course of a business.

7C (1) If—

(a) the creditor is by virtue of paragraph 7B(2) unable to exercise the right to recover from the keeper any unpaid parking charges mentioned in the notice to keeper, and

(b) the conditions mentioned in sub-paragraph (2) below are met,

the creditor may recover those charges (so far as they remain unpaid) from the hirer.

(2) The conditions are that—

(a) the creditor has within the relevant period given the hirer a notice in accordance with sub-paragraph (5) (a "notice to hirer"), together with a copy of the documents mentioned in paragraph 7B(2) and the notice to keeper;

(b) a period of 21 days beginning with the day on which the notice to hirer was given has elapsed; and

(c) the vehicle was not a stolen vehicle at the beginning of the period of parking to which the unpaid parking charges relate.

(3) In sub-paragraph (2)(a) "the relevant period" is the period of 21 days beginning with the day after that on which the documents required by paragraph 7B(2) are given to the creditor.

(4) For the purposes of sub-paragraph (2)(c) a vehicle is to be presumed not to be a stolen vehicle at the material time, unless the contrary is proved.

(5) The notice to hirer must—

(a) inform the hirer that by virtue of this paragraph any unpaid parking charges (being parking charges specified in the notice to keeper) may be recovered from the hirer;

(b) refer the hirer to the information contained in the notice to keeper;

(c) warn the hirer that if, after the period of 21 days beginning with the day after that on which the notice to hirer is given, the amount of unpaid parking charges referred to in the notice to keeper under paragraph 6B(2)(f) or 6C(2)(f) (as the case may be) has not been paid in full, the creditor will (if any applicable requirements are met) have the right to recover from the hirer so much of that amount as remains unpaid;

(d) inform the hirer of any discount offered for prompt payment and the arrangements for the resolution of disputes or complaints that are available;

(e) identify the creditor and specify how and to whom payment may be made; and

(f) specify the date on which the notice is sent (if it is sent by post) or given (in any other case).

(6) The documents mentioned in sub-paragraph (2)(a) must be given by—

(a) handing them to the hirer;

(b) leaving them at an address which is either—

(i) an address specified in the statement of liability mentioned in paragraph 7B(2)(c) as an address at which documents may be given to the hirer; or

(ii) an address at which documents relating to civil proceedings could properly be served on the hirer under Civil Procedure Rules; or

(c) sending them by post to such an address so that they are delivered to that address within the relevant period for the purposes of sub-paragraph (2)(a).'.

Amendment 62, page 117, leave out lines 17 to 34 and insert—

'9 (1) The appropriate national authority may by order made by statutory instrument amend this Schedule for the purpose of—

(a) amending the definition of "relevant land" in paragraph 3;

(b) adding to, removing or amending any of the conditions to which the right conferred by paragraph 4 is for the time being subject.

(2) The power to amend this Schedule for the purpose mentioned in sub-paragraph (1)(b) includes, in particular, power to add to, remove or amend—

(a) any provisions that are applicable for the purposes of a condition; and

(b) any powers of the appropriate national authority to prescribe anything for the purposes of a condition by regulations made by statutory instrument.

(3) An order under this paragraph may—

(a) include incidental, supplementary, transitional, transitory or saving provision;

(b) make different provision for different purposes.

10 (1) A statutory instrument containing regulations under any provision of this Schedule is subject to annulment by—

(a) a resolution of either House of Parliament (in the case of regulations made by the Secretary of State); or

(b) a resolution of the National Assembly for Wales (in the case of regulations made by the Welsh Ministers).

(2) A statutory instrument containing an order made under paragraph 9—'.—*(Lynne Featherstone.)*

Bill to be further considered tomorrow.

Business without Debate

BUSINESS OF THE HOUSE

Ordered,

That, at the sitting on Wednesday 12 October, paragraph (2) of Standing Order No. 31 (Questions on amendments) shall apply to the Motions in the name of Edward Miliband as if the day were an Opposition Day; proceedings on the Motions may continue, though opposed, until the moment of interruption and shall then lapse if not previously disposed of; and Standing Order No. 41A (Deferred divisions) shall not apply.—*(Sir George Young.)*

Motion made,

That, at the sitting on Monday 17 October, notwithstanding Standing Order No. 14(3A) (Arrangement of public business), the Speaker shall put the Questions necessary to dispose of the proceedings on the Motion in the name of Sir George Young relating to the Parliamentary Contributory Pension Fund not later than two hours after the commencement of proceedings on the Motion; and such Questions shall include the Questions on any Amendments selected by the Speaker which may then be moved.—*(Sir George Young.)*

Hon. Members: Object.

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)),

TRIBUNALS AND INQUIRIES

That the draft First-tier Tribunal (Immigration and Asylum Chamber) Fees Order 2011, which was laid before this House on 12 July, be approved.—*(James Duddridge.)*

Question put.

The Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 12 October (Standing Order No. 41A).

PETITION

Swindon Town Centre

10.11 pm

Mr Robert Buckland (South Swindon) (Con): I present a petition signed by Swindon residents and visitors to our town centre. It is made in respect of established street traders. *[Interruption.]*

Mr Speaker: Order. It is rather discourteous. There is a lot of noise, including that being made by a Government Whip, who unaccountably is not staying to hear the presentation of the petition; I cannot imagine why. If Members are leaving the Chamber, I feel sure that they will do so quickly and quietly. *[Interruption.]* We are grateful to the Whip on duty for toddling back to his place to hear the presentation of the petition.

Mr Buckland: I am grateful, Mr Speaker.

The future role of established street traders in the life of Swindon town centre is supported by no fewer than 4,371 signatories. The prayer reads as follows:

> Wherefore your Petitioners pray that your Honourable House urges the Secretary of State for Communities and Local Government to request that Swindon Borough Council review its policy on street trading in Swindon town centre.

Following is the full text of the petition:

[The Humble Petition of Swindon residents and visitors,

Sheweth that there is support for the street traders of Swindon town centre; that street traders add to the vibrancy of Swindon town centre; and that the future of street trading must be placed on a secure footing.

Wherefore your Petitioners pray that your Honourable House urges the Secretary of State for Communities and Local Government to request that Swindon Borough Council review its policy on street trading in Swindon town centre

And your Petitioners, as in duty bound, will ever pray, &c.]

[P000963]

Interpretation Services (Ministry of Justice)

Motion made, and Question proposed, That this House do now adjourn.—*(Bill Wiggin.)*

10.13 pm

Mr John Leech (Manchester, Withington) (LD): I am delighted to have secured this end-of-day Adjournment debate on the proposed outsourcing of interpretation services by the Ministry of Justice. I wish that it had not been necessary and that the coalition Government had recognised the mistakes made by the previous Labour Government in not taking action to stop police forces around the country outsourcing interpreting services to agencies, which has resulted in a poorer level of service not only to defendants but to police forces and the criminal justice system around the country. This is not the first time that I have raised this issue in Parliament. Back in March 2009, I secured a Westminster Hall debate in response to the north-west police forces planning to outsource their interpreting services. Unfortunately, it fell on deaf ears; I hope that it will not do so this time.

I would like particularly to thank my constituent Marc Starr, who originally brought this issue to my attention, and Geoffrey Buckingham, the chairman of the Association of Police and Court Interpreters, for providing me with a lot of information for the debate, and to recognise colleagues who have contacted me about this issue, including my right hon. Friend the Secretary of State for Business, Innovation and Skills and the hon. Member for Bromsgrove (Sajid Javid), who is in his place.

A framework agreement to regulate the supply of police and court public service interpreters has been brokered by the Ministry of Justice. Its intentions are to endeavour to ensure that interpreting services to the judiciary and police are delivered to a high standard via qualified interpreters in a way intended to save about £18 million annually against the current £60 million budget. The Ministry of Justice has decided that the best way to do so is to let a contract to a single self-regulating commercial organisation that will book interpreters, individually or through agencies, to service the police and courts; determine a rate for the job; and monitor not only the quality of the interpreters' work and need for further training and review, but its own performance. However, it is highly questionable whether this framework agreement and Applied Language Solutions, which is the agency that will provide interpreters, will be able to meet the Ministry of Justice's requirements.

The plans introduce three tiers of interpreters, and the intention is to rank interpreters into one of three categories, with a rate of pay of £22 for tier 1, £20 for tier 2, and £16 for tier 3. Interpreters will be ranked according to their qualifications, but also subject to the agency's own assessment, to which already fully qualified interpreters would be expected to subject themselves at their own personal cost. These rates of pay, along with severe restrictions on travel expenses and an end to travel-time payments, will result in interpreters refusing to sign up to the agency, or to take specific jobs, because of the low rates of pay. I have received evidence from one interpreter in Greater Manchester whose current net pay after travel expenses for a typical magistrates court job in Greater Manchester is £103.75 for anything

[Mr John Leech]

up to a three-hour job, whereas under the proposed framework agreement it would be £10 for a one-hour job or £50 for a three-hour job, which equates to £4.44 per hour for one hour, rising to £11.76 per hour if the job lasts three hours.

Perhaps an even starker example is that of a Lithuanian-speaking interpreter who sometimes has to travel to Plymouth Crown court from Surrey because of a lack of qualified Lithuanian-speaking interpreters. Under the current agreement, they would receive £246.25 after travel costs for the 11.5-hour return trip. Under the new framework agreement, this would be minus £65.10 after travel costs. Does the Minister seriously think that that is acceptable, and does he really think that this will be an incentive to accept that particular job?

Jonathan Evans (Cardiff North) (Con): I assure my hon. Friend that the worries that he has outlined are shared by interpreters in Wales, whose concern is not so much the finance but the fact that the service is going to deteriorate because of the quality of interpreters who will work at these rates.

Mr Leech: I thank my hon. Friend for that contribution. That is a common issue that has been raised with me by interpreters around the country, in England and in Wales.

When one adds in the additional disincentives of no pension, holiday pay or sick pay, as well as no job security and no increase in interpreters' rate of pay since 2007, it is unthinkable to assume that these proposed rates of pay and costs are suitable. It also seems perverse that the new framework agreement encourages the use of an interpreter's car rather than public transport. Currently, standard-class fares are reimbursed in full, while the car mileage rate is 25p a mile. A higher rate of 45p a mile, which is more in line with the true cost of running a car per mile, along with parking costs, is payable only if the interpreter can show that there was no public transport option. However, under the new arrangements all calculations will be based on the use of a personal car and public transport costs will not be covered—not much of an incentive for interpreters to reduce their carbon emissions and travel on public transport.

One of the stated aims of the framework agreement is increasing the number of suitably qualified and vetted interpreters to meet the demand. There are currently around 2,300 interpreters registered with the national register of public service interpreters. Applied Language Solutions claims that 1,000 linguists have signed up to its Linguist Lounge recruitment website. That means a cut of around 1,300 qualified interpreters available to the courts system, assuming that all 1,000 are NRPSI-qualified. If they are not, the cut in qualified interpreters will be even greater. The failure of ALS to reach agreement with at least 1,300 qualified interpreters shows the level of opposition to the proposals, in spite of evidence to suggest that ALS has sought to pressurise interpreters into signing up, with thinly veiled threats that the registration is closing soon. Does the Minister think that that is appropriate behaviour for a company purporting to implement the legal interpreting and translation register, which surely must be consistently open to applicants as a public resource?

Does the Minister also think that closing the list when more than half the NRPSI-qualified interpreters have refused to sign up will increase the availability of suitably qualified and vetted interpreters? Of course it will not. We should look at the evidence from where outsourcing has already taken place and at its impact on the quality and availability of interpreters. The Ministry of Justice claimed on 6 July that "collaborative authorities" had

> "concerns that NRPSI registration does not necessarily guarantee quality. The evidence for this is anecdotal, but has been consistent enough to warrant action."

I would prefer to rely on hard evidence, and there is significant evidence that the outsourcing of interpreting services by police forces has resulted in the use of unqualified interpreters.

When Cheshire constabulary outsourced to ALS, only 34% of the interpreters provided by ALS were on the NRPSI. In Lincolnshire, outsourcing led to a reduction of registered interpreters from 68% to less than 30%. Where outsourcing has taken place there has been a significant reduction in the number of registered interpreters being used—clear evidence that the quality and availability of interpreters is reduced.

Lilian Greenwood (Nottingham South) (Lab): Does the hon. Gentleman agree with my constituent Svetlana Clark who is a member of the Chartered Institute of Linguists and a public service interpreter on the national register, that the potential cost to the judiciary of adjournments, mistrials, appeals and failed prosecutions as a result of inadequate interpreting cannot be overestimated and does not serve the interests of justice?

Mr Leech: I do agree with the hon. Lady's constituent. There is lots of evidence to suggest that where unqualified interpreters have been used there have been delays in police and court action, resulting in additional costs. I have been handed pages and pages of examples of unqualified interpreters being sent to police stations and courts by agencies, or interpreters proficient in the wrong language. One example that made it into *Private Eye* was ALS providing a Czech-speaking interpreter for a Slovak-speaking suspect. ALS's explanation was that

> "it is fair to say that most people from Slovakia essentially speak Czech."

Is this really the sort of organisation that we want in charge of ensuring that justice is done?

Other questions have been raised about the suitability of ALS to fulfil the role. The Minister has already assured me that the Department's procurement specialists were satisfied by the company's stability and probity, but the fact remains that more than 50% of qualified interpreters do not and will not work for it. The company has been found to be in breach of the Data Protection Act 1998 on three occasions since 2007. Can the Minister assure me that potentially highly sensitive data are safe and that is it appropriate for them to be handled in non-UK call centres?

Finally, will the Minister explain why foreign-language-speaking interpreters are being treated differently from British sign language interpreters, who will retain their existing terms and conditions? Surely that contravenes sections 13 and 19 of the Equality Act 2010, by providing less favourable terms to foreign-language interpreters? The Ministry of Justice also intends effectively to re-test foreign-language interpreters, but not British sign language interpreters. Surely it is a contradiction that the Ministry accepts BSL qualifications as valid but rejects foreign-language interpreters, even though they have the same level of accredited qualification.

These proposals have not been properly thought through. The MOJ has failed to look at the evidence from outsourcing, and failed to treat all interpreters equitably. I hope that it is not too late for the Government to take a step back and review this decision. If they cannot do that, I would at the very least strongly urge the Minister closely to monitor the performance of the service, paying close attention to the delays and additional costs that will undoubtedly occur when cases are delayed as a result of a lack of an available interpreter, or when mistakes are made when under-qualified interpreters are used.

10.25 pm

Sajid Javid (Bromsgrove) (Con): I should like to thank my hon. Friend the Member for Manchester, Withington (Mr Leech) for raising the important issue of the outsourcing of interpretation services by the Ministry of Justice. I want to raise the case of a local company, Sign Solutions, which is based in my constituency and which specialises in interpretation services for British sign language. It was formed in 1998, following the retrial of the case of R *v.* Smith, Smith and Sams. This murder trial had been running in the Old Bailey for seven weeks using an unskilled, unqualified BSL interpreter. The interpreter errors eventually became so great that the judge had to stop the trial.

My constituent Sean Nicholson and his friend Gloria Ogborn were interpreters of known expertise, and they were approached by the Ministry of Justice to undertake the retrial. Their company, Sign Solutions, went on successfully to tender for civil and family court work for more than 10 years. Since then, it has helped to streamline interpreting services, and introduced cost savings by reducing the number of interpreters booked for cancelled hearings and supplying the right number of interpreters for each case. It has also suggested cost-saving ideas to the MOJ, such as using a web-based video system that could cut pricing by up to 50% without compromising quality. Sign Solutions is an award-winning national vocational qualification centre that offers post-qualification training in police and court work. It employs apprentices who are training to become the next generation of BSL legal interpreters. Its services encompass all languages and telephone interpreting, in order to be able to compete for one-service tenders.

During the recent MOJ tender process, Sign Solutions was rejected on the basis of having insufficient turnover, despite being one of the most experienced BSL court interpreters in the country, with more than 12 qualified interpreters in house, four of whom have more than 20 years of legal experience each. Small and medium-sized enterprises such as Sign Solutions are just the kind of business that this Government are committed to supporting, so may I ask the Minister for Policing and Criminal Justice to look carefully at the MOJ procurement process, to see how a more level playing field could be created so that companies such as Sign Solutions have a better chance of winning Government business?

10.28 pm

The Minister for Policing and Criminal Justice (Nick Herbert): I congratulate my hon. Friend the Member for Manchester, Withington (Mr Leech) on securing this debate. I understand his concerns, and this debate gives me a welcome opportunity to address them. There are two points I would like to clarify before turning to his key concerns. The first is that the Government's reforms do not limit in any way the circumstances in which relevant parties to proceedings are entitled to the services of an interpreter. An interpreter is made available as soon as practicable once an apparent need is identified, irrespective of the language involved. That will not change.

Secondly, I believe that we need to take care in our use of the word "outsourcing", which has characterised this debate. I am referring not only to this Adjournment debate, but to the wider debate taking place on this matter outside the House. Interpretation and translation services are not currently provided in house; they have always been outsourced. The difference is that, in future, the Government will be outsourcing to a single supplier rather than to individual freelance interpreters and translators.

There is no doubt that, at a time when we are striving to make savings across all public services, there is an opportunity to make savings in this area. Currently, the annual spend on these services is in the region of £60 million across the justice sector, so it is by no means insignificant. We estimate that moving over to the framework agreement will result in savings of at least £18 million a year—significant savings.

The decision to move to a single supplier is not a snap decision. Officials in the Ministry of Justice have conducted a lengthy, thorough and robust procurement process, as required by EU law, engaging with a range of bidders to ensure that we get the best possible service for the best possible price. The single supplier with which we have signed a framework agreement is Applied Language Solutions. ALS will provide a single point of contact, available to staff 24 hours a day, seven days a week, through which the provision of face-to-face interpreting, telephone interpreting, written translation and language services for the deaf and deaf-blind can be obtained.

Under the framework agreement, the Ministry of Justice will sign a contract on behalf of MOJ central functions, Her Majesty's Courts and Tribunals Service and the Prison Service. Other organisations—for example, individual police forces and the Crown Prosecution Service—can also sign contracts with ALS, but the MOJ cannot mandate this. It is important to be clear that a wide range of justice organisations support the need to make these changes.

The changes will primarily affect England and Wales. However, it will be open to justice organisations in Scotland and Northern Ireland to sign contracts under the framework, although the Scottish Court Service already has its own contract with a commercial supplier.

Mr Andy Slaughter (Hammersmith) (Lab): The Minister has said that the tendering process is robust. Will he assure us for the record that he is clear that what he is doing in the single tendering to ALS will conform to the directive on the right of interpretation in criminal proceedings?

Nick Herbert: My understanding is that it does.

Some of our stakeholders—primarily interpreters and their representative organisations—oppose the new model. My hon. Friend the Member for Manchester, Withington has eloquently set out some of their concerns. They suggest that our proposals will reduce the quality of interpreters and translators working in the justice sector to the detriment of justice itself. Interpreters have suggested that there will be breaches of articles 5 and 6 of the European convention on human rights with, for example, suspects spending longer in custody, collapsed trials and miscarriages of justice. I do not accept that these are valid claims.

Let us first remember that the current system does not meet our needs. We already have the unacceptable position that approximately 400 magistrates court trials and a number of considerably more expensive Crown court trials cannot go ahead as listed because the interpreter does not attend court.

Let us consider the following scenario. A member of court staff receives notification that a defendant due to appear in court for a pre-trial hearing the following Monday morning requires an interpreter. That member of staff accesses the register and starts to make phone calls. Interpreter 1 is not available. Interpreter 2, despite repeated call-backs, cannot be contacted. Interpreter 3, who lives some considerable distance away, is available and takes the booking. At around the same time, the Crown Prosecution Service needs to book an interpreter in the same language for a prosecution witness due to give evidence in a trial. The witness is due to give evidence on Monday afternoon. The interpreter originally booked has pulled out. The CPS accesses the register and starts to make phone calls. Interpreter 1 is not available; interpreter 2 answers the phone and accepts the booking. After 20 minutes of phone calls, we now have two interpreters in the same language travelling to the same court building on the same day. Under the current arrangements, we would pay each of them a payment equivalent to a minimum of three hours work and possibly travel time on top of that.

Mr Leech: Does the Minister accept, though, that where services have been outsourced to an agency to arrange interpreters rather than directly to the registered interpreters, there have been more rather than fewer problems?

Nick Herbert: I do not accept that the problems my hon. Friend describes will characterise the new service we are setting out under the framework agreement. The difference with our new framework agreement is that the court staff and the CPS each make a single phone call or send a single e-mail to ALS. ALS then not only contacts the interpreters, but its infrastructure means that it knows about the two jobs and can ensure that one interpreter is used for both jobs—saving on costs for the justice sector and providing a more worthwhile piece of work for the interpreter who is booked.

Ensuring that interpretation and translation are of the appropriate quality and widening the available pool of interpreters are fundamental elements of this reform and have always been so, and the Government believe that they will be delivered. The framework agreement is clear about the quality standards that are expected. It requires detailed and meaningful management information and comprehensive key performance indicators, and it will be properly managed. In addition, all interpreters and translators will be required to abide by a comprehensive code of conduct, which emphasises that they should accept only assignments that they are competent to undertake.

Clearly, in any system for the provision of such services there will be exceptional cases in which it is not easy, or always possible, to find a person with the specified qualification requirements within the time scale sought. That happens under the present arrangements, and—we must be realistic—we cannot rule it out entirely under the new arrangements. Such cases are currently managed as well as possible on the ground by the police and courts as appropriate, and that will continue. The new arrangements will help to mitigate the problems with a tiered approach, and, perhaps most crucially, with objectives to promote the recruitment and training of new interpreters, particularly in certain areas of the court or in certain languages.

Our proposals constitute a reasonable and sensible response to the need to improve efficiency in our spending on interpreters, drive up standards and reduce burdens on the justice system, while ensuring that we maintain quality standards. We believe that when, for example, a defendant or witness needs an interpreter, he or she should be entitled to one. We do not want police officers, court staff and other workers to spend time telephoning and booking interpreters. We do not believe it is acceptable that the taxpayer can pay hundreds of pounds in fees and travel expenses to an interpreter who will deal with a 10-minute traffic hearing in a magistrates court which results in a fine of less than £100. We want interpreters to spend more time interpreting than travelling, and we believe that positive benefits will result from the introduction of more competition.

We have considered carefully what interpreters have told us. What they have said has influenced this project, and has, I believe, resulted in a more robust model. The fact that we have decided to adopt a framework agreement that is opposed by some interpreters does not negate that consultation. The alternative models that they suggested would clearly have led to some savings—we acknowledge that—but they did not meet all the objectives that we sought, and did not offer us the controls that we needed. As I said earlier, we were looking for the best possible service at the best possible price. The Government are satisfied that the framework agreement will ensure that the justice sector continues to have access to quality language services, while ensuring the provision of value for money on behalf of the public.

My hon. Friend raised the issue of the pay that interpreters will receive under the new arrangements. We have always been aware of the claims by interpreters that lower pay will cause them to seek alternative work. As a result, bidders involved in the procurement process were tested to ensure that rates of pay would be sufficient to attract and retain linguists with the appropriate quality standards. ALS has now published the rates that it will pay interpreters. We know that making that information available has not eased the concerns of some foreign language interpreters. We have seen calculations by interpreters which suggest that revised terms and conditions would lead to a reduction of between 40% and 60% in remuneration, and would drive them from the profession. However, the situation is not as simple as those calculations suggest.

It is not possible at this stage to produce a detailed analysis of how individual interpreters will be affected, because the whole model is being changed, not just the hourly rate, but we believe that the improved technology available to ALS will enable interpreters to be given work in a more efficient and co-ordinated manner. For instance, an interpreter may be given a series of assignments on the same day and in the same general location. We also know that a large number of interpreters have registered with ALS. Ultimately, the framework agreement offers the opportunity to any linguist, irrespective of race or other protected characteristic, to perform services for the justice sector if appropriately qualified.

My hon. Friend also expressed concerns about the company, and concerns have been expressed by others about the competitive process. During a dialogue that was robust and rigorous, ALS satisfied the procurement specialists at the Ministry of Justice of its financial stability and probity. Failure to satisfy officials in that regard would have resulted in its elimination from the process. I am satisfied that my officials took all the necessary steps to ensure the financial probity of ALS such that the framework agreement was properly awarded to that company. My officials were aware of the criticism that had been made by some interpreters of ALS. The selection of questions and criteria used for the procurement process was influenced by the issues that had been raised. In particular, the process focused on relationships with interpreters, market rates and quality issues. This process was applied equally to all bidders, including ALS, in line with procurement law principles.

This is nothing new. Many goods and services are provided successfully across the justice sector by commercial entities, and in many cases this ensures a continued improvement in quality and standards. Opportunity for, and creation of, profit can be a useful tool in establishing greater quality standards. We are not creating a monopoly. The UK market for language services is worth about £940 million annually and the justice sector currently represents about 7% of that market.

My hon. Friend also asked why language services professionals for the deaf and deaf-blind are treated differently from foreign language interpreters. While there are differences in the detail and operation of the frameworks for foreign language interpretation and language services for the deaf and deaf-blind in tiering and assessment, we do not accept the suggestion that this constitutes unlawful discrimination under the Equality Act 2010. Ultimately, the framework agreement offers the opportunity to any linguist to perform services for the justice sector, if appropriately qualified.

I appreciate my hon. Friend's concerns about these issues, but I hope I have gone at least some way to allaying his concerns about the way in which this framework agreement will operate, in particular by emphasising not only the importance of ensuring quality in relation to interpretation services, but the significant savings that can be made in this sector of the justice system.

The public finances are under great pressure. We have to deal with the deficit, so we have to make savings in the criminal justice system, where costs have risen very substantially over recent years. This is one way in which we can make those significant savings. We cannot dismiss an £18 million a year saving in this sector. That is a substantial sum, which is why we think it is important to maintain our commitment in this regard.

Question put and agreed to.

10.42 pm

House adjourned.

House of Commons

Tuesday 11 October 2011

The House met at half-past Two o'clock

PRAYERS

[Mr Speaker *in the Chair*]

BUSINESS BEFORE QUESTIONS

London Local Authorities and Transport for London (No. 2) Bill [*Lords*] *(By Order)*

Second Reading opposed and deferred until Tuesday 18 October (Standing Order No. 20).

Oral Answers to Questions

DEPUTY PRIME MINISTER

The Deputy Prime Minister was asked—

Lobbyists (Statutory Register)

1. **Duncan Hames** (Chippenham) (LD): What recent discussions he has had on the timetable for consultation on the introduction of a statutory register of lobbyists. [72854]

The Parliamentary Secretary, Cabinet Office (Mr Mark Harper): I have corresponded with a number of ministerial colleagues with a view to running a consultation process and introducing legislation in the second Session as part of the Government's commitment to transparency, which has already resulted in our publishing details of ministerial meetings, Government procurement and a number of other items of public interest.

Duncan Hames: I am sure many of us would welcome that legislation. As the House is periodically reminded, all sorts of people can seek to market their ability to lobby, and even secure access to, decision makers. A voluntary register will attract only agencies seeking to uphold higher standards of practice. Will the Minister assure us that his proposed register will be comprehensive and include all those seeking to ply this trade?

Mr Harper: I am grateful to my hon. Friend for his question, and I can confirm that when we publish our consultation it will be clear that we intend these proposals to be comprehensive. We will consult on them widely, which will give all those with an interest in transparency the opportunity to comment on them. I hope that reassures my hon. Friend.

Mr David Hanson (Delyn) (Lab): I do not expect the Minister to prejudge any report by the Cabinet Secretary on the Defence Secretary this week, but does he agree that the type of situation the Defence Secretary has found himself in with Mr Werritty would be exposed very clearly if there were a full, transparent register of lobbyists, and does he also agree that that should be compulsory and introduced as a matter of urgency?

Mr Harper: The right hon. Gentleman said he was going to try not to prejudge that report, but it sounded very much like he did. The Secretary of State for Defence was in the Chamber for an hour yesterday afternoon and gave a very good account of himself. *[Interruption.]* Yes, he did; I was present for Defence questions and his statement, and he gave a very good account of himself. As the Prime Minister has said, he is doing an excellent job as Defence Secretary. The Prime Minister has set up a review by the Cabinet Secretary which will deal with any remaining questions, and the right hon. Gentleman rightly said that he does not want to prejudge that.

Prisoner Voting

2. **Bob Stewart** (Beckenham) (Con): What his policy is on prisoner voting. [72855]

The Deputy Prime Minister (Mr Nick Clegg): The European Court of Human Rights has granted an extension to the deadline for implementing prisoner voting rights that was set in the Greens and MT judgment against the UK. That is because the Court is considering an Italian prisoner voting rights case—Scoppola *v.* Italy. It is therefore right to consider the final Scoppola judgment and the wider legal context before setting out our next steps on prisoner voting. The Government will express their views on the principles raised in that case, and we will be arguing that it is for Parliament to decide the way forward on this issue.

Bob Stewart: The House has spoken overwhelmingly on one side of the argument on this issue: anyone serving a custodial sentence should not have a vote. I very much hope the Deputy Prime Minister will recognise this appropriately in any further dealings he has on the matter.

The Deputy Prime Minister: As I said to my hon. Friend, the first point of principle we are seeking to establish is precisely that it is this Parliament that should be able to determine matters such as this, and we will be arguing that in the Scoppola case that is before the Court now.

Diana Johnson (Kingston upon Hull North) (Lab): Why does the Deputy Prime Minister support votes for violent prisoners but not for law-abiding 16 and 17-year-olds?

The Deputy Prime Minister: I don't.

West Lothian Question

3. **Andrea Leadsom** (South Northamptonshire) (Con): When he plans to establish the commission to consider the West Lothian question. [72856]

6. **David Rutley** (Macclesfield) (Con): When he plans to establish the commission to consider the West Lothian question. [72860]

The Parliamentary Secretary, Cabinet Office (Mr Mark Harper): I refer my hon. Friends to the written ministerial statement I issued on 8 September. We plan to make further details, including the terms of reference and the time scale for the commission, available to the House in the very near future.

Andrea Leadsom: Does my hon. Friend accept that many people in England feel that at this time of economic difficulty fairness is more important than ever, and does he further accept that many hold the view that English-only issues should be more in the hands of English MPs and less in the hands of MPs representing devolved parts of the UK?

Mr Harper: I very much agree. Many people who live in England express concern about this potential unfairness, which is why we are going to set up the commission to look carefully at how the procedures in this House can ensure that that situation is fairer as we pass legislation. I hope my hon. Friend will welcome that detailed announcement when it is made in due course.

David Rutley: Does my hon. Friend agree that it is important that the commission has enough time to report its findings and that Parliament has enough time to consider them before a referendum on Scottish independence, which the Scottish Government indicate will take place in 2014 or 2015?

Mr Harper: I am confident that when my hon. Friend sees the terms of reference he will see that there will be time for the commission to examine this matter, make its proposals and enable there to be a full discussion with all the political parties in this House, and then for this House to take a decision on how it wants to move forward.

Mr Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): Does the Minister agree that the English are every bit as good as the French and the Germans, and can surely govern themselves without any help from the Scots? Surely the answer to the West Lothian question is very simple.

Mr Harper: There is a very simple answer, and I know what the hon. Gentleman thinks it is. I do not agree with him, most Members of this House do not agree with him and we will do everything we can to make sure that this United Kingdom stays together.

Mr Wayne David (Caerphilly) (Lab): Because we have asymmetrical devolution in the United Kingdom, the application of law, as agreed by this Parliament, is different in different parts of the United Kingdom. Given that complexity, does the Minister believe it is possible to have different MPs voting on different pieces of legislation without creating total legislative confusion?

Mr Harper: First, may I welcome the hon. Gentleman to his new position? We had a number of conversations on these constitutional matters during the progress of the two previous pieces of legislation, and I look forward to more such conversations. As he rightly says, this is a complicated matter—I sometimes have to stress that to colleagues in this House who think it is simple—which is exactly why we have said that the commission will consist of experts who understand how this place works and can balance those complexities while making sure that we end up with a solution that is fairer to England as well as to the other parts of the United Kingdom.

Electoral Register

4. **Graham Evans** (Weaver Vale) (Con): What recent assessment he has made of the completeness and accuracy of the electoral register. [72857]

5. **Nick de Bois** (Enfield North) (Con): What recent assessment he has made of the completeness and accuracy of the electoral register. [72858]

The Deputy Prime Minister (Mr Nick Clegg): There has been a lot of misleading coverage recently about the effects of individual electoral registration, so may I take a minute to explain this? This Government will do everything they can to maintain the completeness of the electoral register. That includes phasing in the move to individual registration over two years, so that people on the register who do not apply under the new system do not lose their vote at the next general election. Every eligible elector will be asked in 2014 to register under the new system. That will include: personal invites to people on the register; inquiries to households where no one is registered or people have moved; reminder letters; and face-to-face doorstep canvassing. We are also testing data matching, to identify people missing from the register, and looking at how we can increase the choices that people have about how to register. I am looking forward to the conclusions of the pre-legislative scrutiny and of the consultation, which closes this Friday, but I do, however, have sympathy with the concerns expressed by the Electoral Commission and others about the opt-out proposal, and I am minded to change these provisions when we bring forward the final legislation.

Graham Evans: I thank the Deputy Prime Minister for that reply. It is important that we make sure that people who do not exist or who are not eligible to vote do not get on to the electoral register. Equally, it is important that those who are eligible to vote are registered. Will he please assure the House that this will happen?

The Deputy Prime Minister: That is precisely the purpose of individual electoral registration: it seeks to bear down on fraud in the system. Of course, the previous Government were committed to doing this in any event in a few years' time but, as on so many matters now, they seem to shun any responsibility for their failure to act while they were in government. We are finally here to do the job that they failed to do.

Nick de Bois: Will the Deputy Prime Minister consider bringing forward from 2014 to 2013 the mandatory requirement for new applications to join the register to include the national insurance number?

The Deputy Prime Minister: We are bringing it forward in any event. Under the previous Government's plans it would have been introduced only after the next general election, but we are bringing it forward in this Parliament. Of course, we are trying to get the balance right. We need to proceed with this thoroughly, which is why we are doing it carefully but in a way that means it is fully delivered by the end of this Parliament.

Chris Ruane (Vale of Clwyd) (Lab): Whose idea was it to remove the civic duty to register to vote? Who made the announcement to the House?

The Deputy Prime Minister: There will be no change at all to the civic duty—*[Interruption.]* I am quite honoured; that is the response that Opposition Members normally give to their former party leaders. If they listen to the answer, they might quieten down a bit. The civic duty remains exactly as it is. The proposal we have made is that the opt-out should be introduced. The Electoral Commission and others have raised concerns about the possible effect of such an opt-out and, as I confirmed in my earlier answer, I consider that concern sympathetically. That is the whole point of a consultation and we will wait to see the final outcome of the consultation, which ends at the end of this week, but I am minded to change the final legislation to reflect those concerns.

Sadiq Khan (Tooting) (Lab): The Deputy Prime Minister will be aware that people on both sides of the House share concerns about the electoral register, and that is why before the last general election there was cross-party support for an agreed timetable to move towards individual voter registration. He refers to the Electoral Commission, which is concerned not simply about the opt-out but about the speeded-up timetable and the removal of the fines for failing to register that, in its words, will lead from a register of 92% to one of about 65% in many parts of the country, meaning that millions of voters will fall off the register. That will lead not only to the skewing of future boundary changes but to skewed jury panels. Will he do what we did and work with all parties and the Select Committee to try to reach a proper resolution for the biggest change in the way that people are registered since the introduction of the universal franchise?

The Deputy Prime Minister: I think the right hon. Gentleman is simply plain wrong about certain facts. For instance, the offence in law to sanction those who do not pass on information as part of the registration process as households will remain. There will be no change to that at all. The civic duty will remain, too. The only thing we are considering, as I said earlier, is what the possible effects of an opt-out would be. We proposed the opt-out for a very good reason of principle. Under the existing system, registration takes place per household. If, however, we make that a duty on individuals, the question becomes whether it is right or wrong to give an individual the right to opt out. We have proposed that the opt-out should exist for individuals but others have raised concerns about it. I have listened sympathetically to those concerns and I have already said that I am minded to change the provisions in the final legislation. That seems to me to be an example of a Government who are prepared to listen and to hold a sincere consultation process, which will come to an end at the end of this week.

Tim Farron (Westmorland and Lonsdale) (LD): Will my right hon. Friend reflect on the absence of 1.5 million people from the electoral register: those who are aged 16 and 17? When can we look forward to a time when those people, who can raise a family and get married, who can pay taxes and who can serve in our armed forces, can vote, too?

The Deputy Prime Minister: As my hon. Friend knows, I personally have a great deal of sympathy with that view, but it is not reflected in the coalition agreement or shared across government. Clearly, it is a debate that we will continue to have on both sides of the House.

Mr Speaker: On this question, I call Grahame Morris.

Grahame M. Morris (Easington) (Lab): Thank you, Mr Speaker. On the issue of compulsion, the Electoral Commission has already said that to move to individual electoral registration without compulsion will see the registers fall from more than 90%—this is what the Electoral Commission says, and the Deputy Prime Minister is nodding his head—to 65% coverage. Ethnic minorities, young people and the urban poor will be disfranchised. Apart from gerrymandering the constituency boundaries, fixing the election timetable and now letting millions of people fall off the register, what else is he doing to let the Tories stay in power for a generation?

The Deputy Prime Minister: Instead of lurching towards ludicrous conspiracy theories, the hon. Gentleman should look at the facts. The Electoral Commission did not say what he—*[Interruption.]* No, the Electoral Commission raised a specific concern about the opt-out. Its specific proposal was that the opt-out should be retained but should be made more difficult. We will now consider either the Electoral Commission's variant or getting rid of the opt-out altogether. That is what I am saying, in a spirit of openness, that we are reflecting on, and that will be reflected in the final version of the legislation.

Size of the Executive

8. **Graham Stringer** (Blackley and Broughton) (Lab): What discussions he has had with his ministerial colleagues on reducing the size of the Executive. [72862]

The Deputy Prime Minister (Mr Nick Clegg): The Government have been clear that they recognise the principle that there is link between the size of the legislature and the Executive, so we have said that we will consider how to address the issue in the future.

Graham Stringer: Last year the Deputy Prime Minister said that he wanted to reduce the size of the Government to 73. Actually, the payroll vote has gone up to 140 in this House, which is 43% of the way to a majority. Has he not increased the size of the payroll vote so that he can get through this House many of his broken promises?

The Deputy Prime Minister: The issue of principle is whether there is a link between the size of the Executive and the size of the legislature, and I think that there is. Clearly there is. The size of the legislature will be reduced from 2015, so clearly there is a question for the next Parliament, and indeed the next Government, about what the size of the Executive—

Emily Thornberry (Islington South and Finsbury) (Lab): Do it now.

The Deputy Prime Minister: The size of the legislature has not been reduced right now, so it is not something that we need to do right now. We have accepted the principle. It is now 2011; we have four years until 2015. We will reflect on this and we will act.

Miss Anne McIntosh (Thirsk and Malton) (Con): Will the Deputy Prime Minister agree to extend the link to the shadow Administration, and does he share the concern of Government Members about the growing number of those serving in the shadow Administration?

The Deputy Prime Minister: I have lost count of who is doing what in the shadow Administration, as my hon. Friend calls it, except for the right hon. and learned Member for Camberwell and Peckham (Ms Harman), who has an increasingly long list of responsibilities to her name. The serious point is the relationship between the legislature and the Executive of the day, and the point that I seek to make is that there is an absolute link in principle between the size of one and the other, and that is something that we will act on in the years ahead.

Topical Questions

T1. [72869] **Sheila Gilmore** (Edinburgh East) (Lab): If he will make a statement on his departmental responsibilities.

The Deputy Prime Minister (Mr Nick Clegg): As Deputy Prime Minister, I support the Prime Minister on a full range of Government policy and initiatives, and within Government I take special responsibility for this Government's programme of political and constitutional reform.

Sheila Gilmore: Given the Deputy Prime Minister's role in using constitutional reform to restore trust in politics, is he satisfied that the Secretary of State for Defence made a full and frank declaration of interests in relation to his links to Adam Werritty and his security company?

The Deputy Prime Minister: My right hon. Friend the Secretary of State for Defence came before the House for an hour yesterday. He was open in acknowledging and apologising for what he concedes was a blurring of the professional, the political and the personal. Clearly, that raises serious issues, as he acknowledges, and those are now being examined by the most senior civil servant in government. Until we know what that report says, I suggest that it is unwise to prejudge exactly what happened.

T2. [72870] **John Stevenson** (Carlisle) (Con): The Government propose individual voter registration, which I fully support, but will the Government at the same time review the use of postal votes?

The Deputy Prime Minister: I certainly think that, as a matter of principle, we should give enough resources to electoral officers to check, in theory, every single postal vote, because it is an area where there has been some concern about fraud in the past, and we are absolutely determined to make sure that those resources are available.

Ms Harriet Harman (Camberwell and Peckham) (Lab): The Deputy Prime Minister has always lectured us on high standards in public office, but while the Defence Secretary, by his own admission, has fallen short of those standards, the Government have failed to refer him to the independent adviser on Ministers' interests, Sir Philip Mawer. Does that not show that they are prepared to sacrifice high standards in public office to protect the Secretary of State?

The Deputy Prime Minister: I am sure that the right hon. and learned Lady would agree with me that it is also important to respect high standards of due process and fair play. The Cabinet Secretary is looking into this, as, by the way, requested by her and her party until they changed their tune just a day or two ago. He is now doing that work. He is doing that report, and until it has been delivered to the Prime Minister there is no point trying to provide a running commentary on a series of facts that are not yet revealed in that report.

Ms Harman: No, that is not good enough. The ministerial code of conduct says:

> "It is not the role of the Cabinet Secretary or other officials to enforce the Code."

The Prime Minister has admitted that the Defence Secretary has made serious mistakes and there is clearly a need for investigation, not least into whether Mr Werritty profited by his association with the Secretary of State. Why are they blocking the proper investigation? This goes to the heart of trust in Government.

The Deputy Prime Minister: The first point is this: has the Secretary of State apologised and admitted that something was amiss. Yes, he has. Secondly, has the Prime Minister made it clear that this is something he takes very seriously? Yes, he has. Thirdly, is it being properly investigated? Yes, it is. *[Interruption.]* The right hon. and learned Lady now says no, but until quite recently this was precisely what she was urging the Government to do. Rather than constantly chopping and changing who does the investigation and produces the report, let us allow the Cabinet Secretary to do the work he has been asked to do so that the full facts can be made available to the Prime Minister and decisions can then be made.

T4. [72872] **Amber Rudd** (Hastings and Rye) (Con): According to the Local Government Association, only 31% of local councillors are women, and in my local authority Hastings borough council—sadly Labour-run—that number is 22%. Does the Deputy Prime Minister agree that we as politicians must do all we can locally to ensure that as many women as possible put themselves forward as councillors so that local politicians do not also remain pale and male?

The Deputy Prime Minister: Yes, I strongly agree with my hon. Friend. One of the ways we can do that, of course, is by seeking to set an example in this place. I freely admit that that is not something my party has been particularly successful in. It is one of the things I will be seeking to change as quickly as possible.

T3. [72871] **Katy Clark** (North Ayrshire and Arran) (Lab): Given the open warfare we saw at the Conservative party conference between Front-Bench spokespeople about the Human Rights Act, will the Deputy Prime Minister use his position to explain the benefits of the legislation and put right misinformation?

The Deputy Prime Minister: As the hon. Lady knows, the Human Rights Act simply translates into domestic law a convention to which—I think everyone agrees—we will always remain signatories, so in a sense it prevents British citizens seeking justice in European courts when it can be delivered in British courts. As she knows, the coalition Government, as set out in the coalition agreement, are committed to setting up a commission, which we have established, to look at the case for creating a British Bill of Rights that will build on and incorporate all existing rights and responsibilities.

T5. [72873] **Mr Edward Timpson** (Crewe and Nantwich) (Con): How will the Government ensure that the views of local residents are heard loud and clear when local authorities seek planning permission for authorised Gypsy and Traveller sites, as is currently happening in Crewe in my constituency?

The Deputy Prime Minister: As I hope my hon. Friend is aware, the Localism Bill gives a raft of new rights to local communities and local people to make their views known on a whole range of issues, from local planning decisions to increases in council tax. In my view the Bill represents one of the biggest transfers of power not only from Westminster to the town hall, but onward from the town hall to all the local communities we represent.

T7. [72875] **Mr John Spellar** (Warley) (Lab): The Deputy Prime Minister has conceded that the Defence Secretary's conduct fell below the standards expected, so why is he still resisting putting the case to the independent adviser on Ministers' interests, which would allow due process so that the matter could be properly examined?

The Deputy Prime Minister: As I explained earlier, we have asked the Cabinet Secretary, in a way that is wholly familiar and traditional and, as the right hon. Gentleman knows, was done countless times by previous Governments, and as has been demanded by his party, to look into this, complete an investigation and produce a report, which is exactly what he is now doing.

T6. [72874] **Sir Robert Smith** (West Aberdeenshire and Kincardine) (LD): Does the Deputy Prime Minister agree that prolonged uncertainty over the referendum on Scottish independence risks undermining investor confidence in the Scottish economy?

The Deputy Prime Minister: I strongly agree with my hon. Friend. As long as the First Minister plays cat and mouse—I probably should not mention cats—with the Scottish people, it is extremely confusing for people, very unsettling for the business community and I do not think that it does the Scottish economy any good. He believes in independence. I think he should have the courage of his convictions by coming forward and putting that proposition before the Scottish people: does he want to yank Scotland out of the United Kingdom, yes or no? Instead, he now seems to be presenting a series of increasingly confusing multiple-choice questions to the Scottish people. He should have the courage of his convictions and ask the Scottish people as quickly as possible whether they believe in full independence, yes or no?

Fiona Mactaggart (Slough) (Lab): How many fewer people will be registered to vote as a result of individual voter registration?

The Deputy Prime Minister: As the hon. Lady knows, the electoral register currently has about 92% coverage, and we are doing everything we can, through data matching, the transitional arrangements I have described and some of the debates we have had here on whether or not to have opt-outs, to ensure that that level does not decrease significantly. It is a high level of registration compared with similar exercises in other parts of the democratic world and I hope that we keep those high standards.

T8. [72876] **Tom Brake** (Carshalton and Wallington) (LD): The economic news from Europe is very troubling. Will the Deputy Prime Minister set out what he and his Government are doing to ensure that swift and decisive action is taken in relation to the eurozone crisis?

The Deputy Prime Minister: The Prime Minister, the Chancellor, I and others are of course in constant contact with Governments elsewhere—in the eurozone and, indeed, in other parts of the European Union. We have been quite clear that it is not our role to seek somehow to dictate what should happen, other than to say that the solution needs to be developed urgently; to be comprehensive and decisive; to deal with the Greek situation decisively; to create the means by which contagion can be stopped spreading from Greece to elsewhere in the eurozone; and to create binding rules so that fiscal disciplines in the eurozone are respected and banks are recapitalised. Further, and something on which Britain could really lead, we should work as 27, not as a fractured European Union, in order to increase competitiveness and to further liberalisation within the single market, because that is the way we will increase the European Union's welfare in the future.

Mr Speaker: We must now move on.

Huw Irranca-Davies (Ogmore) (Lab): The country watched in amazement yesterday afternoon and evening as, one by one, apologists for the Secretary of State for Defence explained that the ministerial code was not written in stone. Indeed, it is not; it is written in black and white, so why are the coalition Government trying to rewrite at least the spirit of the ministerial code, if not the letter?

The Deputy Prime Minister: We are not. We are very clear that the ministerial code—*[Interruption.]* I am very clear, of course, that everybody in this Government should abide by the very highest available standards and by the ministerial code, both the spirit and the letter, and that is exactly what the Cabinet Secretary has been asked to look into and to adjudicate on in his report.

T9. [72877] **Neil Carmichael** (Stroud) (Con): In view of the continued pressures on small businesses in terms of securing bank lending, will the Deputy Prime Minister join me in urging that any reform of banking structure produces bankers in the sector who fully understand the needs, requirements and priorities of small businesses?

The Deputy Prime Minister: I strongly agree. The relationship between our banks and small and medium-sized businesses is possibly the most important issue for the country's long-term prosperity, and one of the many virtues of the Vickers report, which, we have been very clear, in principle we are going to implement, is precisely that it will create a firewall in the banking system, so that there is a real vocation in the banking industry to support traditional customers, such as small and medium-sized businesses, in a way that has slightly withered on the vine in recent years.

Lindsay Roy (Glenrothes) (Lab): Does the Deputy Prime Minister believe that the Supreme Court should continue to have a UK-wide role, even at a time when there are stronger devolved Administrations?

The Deputy Prime Minister: Yes. I think that, in keeping with all judicial systems in all countries that have a high degree of devolution, as we do, it is right that at the apex of the judicial system there should be a highest court, a supreme court, which is able to oversee the jurisdiction of all nations of the United Kingdom.

T10. [72878] **Simon Hughes** (Bermondsey and Old Southwark) (LD): Will my right hon. Friend assure me that, given the really difficult economic situation that the Government inherited and the really difficult economic situation that we are grappling with at home and abroad, those in the public sector and, particularly, the private sector who have had high or obscene salaries and bonuses will be dealt with so that, in the days ahead, those with the broadest shoulders bear the burden of getting us out of this mess and those with the lowest incomes are best protected?

The Deputy Prime Minister: I certainly agree with my right hon. Friend that all executives and shareholders in the private sector have to bear in mind the fact that they have a wider social responsibility. They are not somehow exempt from social norms, and, at a time when millions and millions of people on low and ordinary incomes are really feeling the strain, it is right that they should exercise some restraint in how they remunerate themselves. It is also why it is so important that we do exactly what this Government are doing, which is to give tax breaks first to those on low and medium incomes, and not to rush to do so for those on the highest incomes.

Dr William McCrea (South Antrim) (DUP): Will the Deputy Prime Minister indicate what discussions have been held with the authorities in Northern Ireland, where there actually now is individual voter registration? If such discussions have been held, what lessons have been learned?

The Deputy Prime Minister: I understand that there have been numerous discussions at an official level precisely to learn the lessons of how individual voter registration has been introduced in Northern Ireland. We are seeking to reflect those lessons in the final legislation, which we will bring forward fairly shortly.

T11. [72879] **Jeremy Lefroy** (Stafford) (Con): I welcome my right hon. Friend's commitment to individual voter registration. What assurances can he give the House that the change will not have a negative impact on the enrolment of students in halls of residence? Traditionally, university landlords have auto-enrolled all residents.

The Deputy Prime Minister: One of the virtues of individual voter registration—the reason, I assume, why the previous Government were keen to introduce it as well—is precisely that there will be an individual responsibility on voters in the future, including students, to make sure that they are properly registered. As long as we make sure that there is still, as I said there will be, face-to-face household canvassing, there is no reason why this experiment and this introduction of individual voter registration should not lead to an increase in the registration of students.

Phil Wilson (Sedgefield) (Lab): How did the Government make the calculation that the new police commissioners should earn £120,000 a year?

The Deputy Prime Minister: Police commissioners' pay is still to be finalised, but the key thing is that the elections, which will be held next autumn, will give people a real sense of accountability over policing in their local areas.

T12. [72880] **Rehman Chishti** (Gillingham and Rainham) (Con): Will the Deputy Prime Minister assure my constituents that their representations, particularly from Hempstead and Wigmore, will be fully considered by the Boundary Commission for England and that real consideration will be given to preserving community ties?

The Deputy Prime Minister: As my hon. Friend will know from the legislation, the boundary commissions will be listening to all representations. They have a fair amount of latitude under the legislation to listen to representations, including those that relate to community links in each and every area.

Dan Jarvis (Barnsley Central) (Lab): Does the Deputy Prime Minister support the release of all unredacted and uncensored Government documents relating to the 1989 Hillsborough disaster?

The Deputy Prime Minister: Yes, I very much do. It is very important that we get to see all the relevant papers. I pay tribute to the former Secretary of State for Culture, Media and Sport, who did a great deal in the first place to create the panel that will receive these papers. The only point that I would make, however, is that it seems to me that we should allow the families, who are still grieving their losses from that terrible tragedy, to look at those papers first before they are fully published by the panel.

T13. [72882] **David T. C. Davies** (Monmouth) (Con): Sixteen-year-olds are not allowed to buy alcohol, not allowed to buy cigarettes, not allowed to join the Army without parental permission, not allowed to serve on the front line even if they have that permission and not allowed to get married without parental permission. Why are all those who wish to lower the voting age from 18 to 16 putting about these spurious myths?

The Deputy Prime Minister: This issue clearly divides opinion—within parties, I suspect, as well as across them. I am personally persuaded that, in this day and age, if an 18-year-old can vote there is no reason in principle why a 16-year-old cannot. My hon. Friend has marshalled some of the arguments and examples about why he would argue the counter-case. The issue is not in the coalition agreement; it is not a Government policy as such, and no doubt we will continue to debate it.

Mr Ben Bradshaw (Exeter) (Lab): Given his earlier answers, what does the Deputy Prime Minister think the independent adviser on ministerial standards is for?

The Deputy Prime Minister: The adviser's duties are clearly set out. I hope that the right hon. Gentleman will accept that asking the most senior civil servant in Whitehall to conduct a thorough investigation and produce a report is something that his previous Government did on numerous occasions and is entirely in keeping with a proper response to the very serious concerns that have been raised.

T14. [72883] **Dr Julian Huppert** (Cambridge) (LD): My right hon. Friend has spoken about the need for infrastructure investment for economic growth. What is he doing to support investment in green infrastructure and the infrastructure needed to support the high-tech industry?

The Deputy Prime Minister: We are doing a number of things. We have retained the previous Government's capital spending plans; in fact, capital spending will go up slightly by the end of this Parliament. We have done much more than that. We have also introduced innovative ways in which we can marry public and private capital to invest in our transport, energy and communications infrastructures—notably the green investment bank, the first of its kind anywhere in the world. That will use £3 billion of public money to leverage in about £15 billion of private investment in the green technologies that are absolutely crucial to our economic future.

Mr David Winnick (Walsall North) (Lab): Does the Deputy Prime Minister understand the concern of many Liberal Democrat Members in the House of Lords and elsewhere who remain dissatisfied with the Health and Social Care Bill? Why is this measure going through when there is so much concern, certainly among the public, as well as among his own colleagues in the House of Lords?

The Deputy Prime Minister: We will see how my colleagues in the other place vote. In fact, the more people have looked at the Bill, the more reassured they are that its purposes are fully in line with many of the reforms to the health service that the previous Government introduced, with less centralisation, less bureaucracy, more control by clinicians and GPs, and a more patient-centred health service, all the while enshrining and protecting the founding principles of the NHS—free at the point of use, and based on need, not on the ability to pay. The hon. Gentleman may feel that the NHS is in no need of reform at all; anyone who knows anything about the NHS and realises that it faces increasing costs accepts that it must be reformed, but of course reformed in the right way.

Martin Vickers (Cleethorpes) (Con): Those of us who favour reform of the upper House are concerned that there should be no slippage to the timetable. Will Ministers confirm that the Joint Committee on the Draft House of Lords Reform Bill will indeed report by the end of February?

The Deputy Prime Minister: I am absolutely delighted to see that I have an ally on this issue on the Government Benches, and I hope that the hon. Gentleman will communicate his enthusiasm for reform of the other place to all those on the Benches behind and on either side of him. The Committee has indeed been asked to report by the end of February next year; that will allow us then to present the legislation in a timely way. I very much hope that the Committee will be able to meet that timeline.

John Cryer (Leyton and Wanstead) (Lab): Further to Question 7, is the Deputy Prime Minister seriously arguing that the removal of compulsion to register will increase the number of voters in Britain? We all know that he is not the sharpest tool in the box, but that is a pretty bizarre conclusion.

The Deputy Prime Minister: I do not know how many times I need to say this: there is no removal of compulsion. The offence regarding whether households give information on registration remains on the statute book and will not change. The only concern that has been raised—I know that the hon. Gentleman and all his colleagues have chosen to misinterpret this utterly—was about the proposed opt-out. The Electoral Commission raised concerns about that, not about compulsion. I have been very open in saying that we have listened to those concerns, we are sympathetic to those concerns, and we will reflect them in the final legislation. He may choose, if he wishes, to grab the wrong end of the stick time and time again; we are trying to do the right thing.

ATTORNEY-GENERAL

The Attorney-General was asked—

Magistrates' Sentencing Powers

1. **Mrs Mary Glindon** (North Tyneside) (Lab): What recent discussions he has had with the Secretary of State for Justice on magistrates' sentencing powers. [72844]

The Attorney-General (Mr Dominic Grieve): I meet the Justice Secretary regularly, when we discuss a range of criminal justice issues, including magistrates' sentencing powers.

Mrs Glindon: It is clear that the Attorney-General and the Justice Secretary do not see eye to eye on magistrates' sentencing powers. Will the Attorney-General clarify whether he disagrees with any other aspects of the Legal Aid, Sentencing and Punishment of Offenders Bill, which is currently going through Committee, such as the likely increase in the number of people forced to represent themselves in family law cases?

The Attorney-General: To stick to the point that arises from the question that was initially asked, I can assure the hon. Lady that there is no difference of view between my right hon. and learned Friend the Lord Chancellor and myself on this matter. As she will be aware, in 2003, the previous Government introduced the power for magistrates to increase sentences as part of custody plus, but were never able to implement it because, I think, they were concerned about the rise in the prison population. There remains an issue of debate about the value of increasing those powers. It would undoubtedly put more cases into the magistrates courts, but at the same time it would run the risk of increasing the prison population. The problems remain much as they were under the previous Government. My right hon. and learned Friend has therefore taken the decision that it is best to keep this power in reserve, even though the way it is expressed at the moment is by no means perfect—it is linked to custody plus in the Criminal Justice Act 2003—and to consult thereafter on whether it could be brought into operation profitably to improve the working of the criminal justice system or might have to be replaced by a similar provision that was not linked or worded in the way that it is at present.

Dr Julian Lewis (New Forest East) (Con): Is it correct that, on average, magistrates have imposed significantly longer sentences for offences committed in the context of the riots? If it is correct, does my right hon. and learned Friend welcome that, as I do, and will he confirm that magistrates are absolutely right to take the context in which certain offences are committed into consideration when determining sentences?

The Attorney-General: The courts always take the context in which an offence is committed into consideration in determining the appropriate sentence. Few people would disagree with the principle that it is a serious aggravating feature if an offence is committed in the midst of riotous assembly and general mayhem. As usual, if for any reason the courts have passed a sentence that is excessive or inappropriate in any way, it can be reviewed by the Court of Appeal. I am afraid that I cannot help my hon. Friend on the precise statistics. Quite apart from anything else, many cases are still coming into the courts in respect of behaviour and crime committed during the riots, and it is far too early to make a final assessment.

Jeremy Corbyn (Islington North) (Lab): The Attorney-General assured the Justice Committee that he had given no guidance whatever to judges or magistrates on sentencing policy after the riots. Nevertheless, is he not concerned about the apparently disproportionate sentences that have been handed down to a lot of young people, which may of course be changed on appeal? Is he prepared to undertake a study so that we can see what has happened and find out how many young people who naively got involved in things that they should not have been involved in have been given wholly disproportionate sentences?

The Attorney-General: I appreciate the hon. Gentleman's question, but I repeat what I said to the Justice Committee, which is that it is none of my business. It would be improper of me to express a view on individual cases and the sentencing done by judges. There are occasions when serious offences come to my office under the unduly lenient sentences referral scheme, which may be referred to the Court of Appeal. However, that does not really come into the picture in the matter that the hon. Gentleman raises. I have no doubt that how sentences have been passed in the post-riot period will be the subject of study in due course, as such things usually are. As I said in answer to my hon. Friend the Member for New Forest East (Dr Lewis), many cases are still coming into the courts. The hon. Gentleman should bear in mind that there are currently cases before the Court of Appeal in respect of the riots, and it will doubtless be able to provide some guidelines.

Tom Brake (Carshalton and Wallington) (LD): In his discussions with the Secretary of State for Justice, has the Attorney-General looked at magistrates using restorative justice as part of their sentencing powers?

The Attorney-General: The Lord Chancellor is certainly committed to using restorative justice as part of his programme of reducing reoffending through the rehabilitation of offenders. Powers are available to magistrates in that area. As my right hon. Friend will appreciate, further changes to the law are a matter for the Lord Chancellor and his Department, rather than for me.

Female Genital Mutilation

2. **Jane Ellison** (Battersea) (Con): What representations he has received on the updated guidelines issued to prosecutors by the Crown Prosecution Service on the offence of female genital mutilation. [72845]

The Attorney-General: I have received no representations regarding the new legal guidance on female genital mutilation published by the Crown Prosecution Service on 7 September 2011.

Jane Ellison: It is well known that European countries such as France and Sweden have brought successful prosecutions on this matter, but it may surprise the House that many African countries such as Liberia, Ghana, Kenya and Burkina Faso have also brought such prosecutions. However, in the 25 years since the UK legislated on this matter, we have brought no prosecutions for this terrible crime. Does the Attorney-General feel that the new guidelines will bring that possibility closer, and will he urge prosecutors to use the expertise built up in child sexual abuse cases to bring prosecutions closer?

The Attorney-General: As I am sure my hon. Friend will understand, the Crown Prosecution Service has cases referred to it by the police, and if cases of female genital mutilation are referred, I can absolutely assure her that every effort will be made to prosecute them successfully if the evidential base on which to proceed is present. I understand that, in 2010-11, only one case was considered for prosecution by the CPS, and it resulted in no further action being taken because it did not meet the evidential criteria.

I entirely agree with my hon. Friend that if we are to prosecute such cases successfully, we need to create a climate in which victims can come forward. Of course, in many cases people will have become victims when very young, and that is one problem that besets the matter. I simply say, finally, that the fact that there have not been prosecutions does not necessarily mean that the legislation is not succeeding at least in providing some deterrent effect on individuals engaging in this appalling behaviour.

Kelvin Hopkins (Luton North) (Lab): I strongly support the thrust of the questions asked by the hon. Member for Battersea (Jane Ellison). Would it not perhaps be sensible to monitor unexplained absences from school among young girls from certain communities, to try to build up some evidence to pursue prosecutions?

The Attorney-General: The hon. Gentleman makes a very good point. I certainly know anecdotally, and indeed from visits to a school in my constituency, of concerns being expressed by teachers about the absence of pupils who appeared to have been sent abroad. In that context his idea is very sensible, but as he will appreciate, it will require co-ordination. The Crown Prosecution Service will not be able to do it on its own.

Crown Prosecution Service (Staffing Costs)

4. **Jessica Morden** (Newport East) (Lab): What proportion of savings to be made by the Crown Prosecution Service over the comprehensive spending review period will be made through a reduction in staffing costs. [72847]

The Attorney-General: A reduction in staffing costs will account for an estimated 60% of the total savings to be made by the Crown Prosecution Service over the spending review period.

Jessica Morden: Given that the CPS's own submission to the spending review said that a 25% budget cut would bring considerable risk to service delivery, what steps is the Attorney-General taking to ensure that Government cuts do not damage its ability to prosecute crime?

The Attorney-General: When these savings were first outlined, the Director of Public Prosecutions and I gave very careful consideration to whether they could be achieved without reducing front-line services. As the hon. Lady will be aware, the plans centre principally on reductions in staff numbers at headquarters, recruitment freezes and the streamlining of services, particularly savings in IT services and elsewhere. For that reason, the CPS and the DPP remain of the view that it is possible to implement the budget reductions without affecting front-line services.

Emily Thornberry (Islington South and Finsbury) (Lab): The concerns about the cuts to the capability of the CPS are matched by concerns about the capacity of the Serious Fraud Office, whose job is to investigate and prosecute cases of domestic and overseas corruption. Given those concerns, has the SFO been able to brief the Attorney-General on the case of 3M *v.* Boulter in Washington, which is a case of blackmail that allegedly involves the attempted dishonest settlement of a dispute between an American company and a subsidiary of the Ministry of Defence? Some may be aware that the case has arisen of a meeting at the five-star Shangri-La hotel in Dubai between Porton Capital's chief executive Harvey Boulter, the Secretary of State for Defence and the latter's friend Adam Werritty, at which it has been alleged that there was a conversation about $30 million and the taking away of a knighthood. Will the Attorney-General assure the House that the advice that he receives, and the action that is to be taken, will not be affected by cuts to the prosecuting departments?

The Attorney-General: May I first welcome the hon. Lady to her new post? I look forward to many opportunities to debate matters with her, and I congratulate her on her appointment. So far as the matter that she has raised is concerned, I simply make a couple of points. The SFO will examine cases that are referred to it, and as she will be aware, in any case that might have any degree of political sensitivity, by convention, proper steps are taken to ensure that the Law Officers' role is kept to a minimum.

Domestic and Sexual Violence

5. **Kate Green** (Stretford and Urmston) (Lab): What recent discussions he has had with the Director of Public Prosecutions on the prosecution of cases involving allegations of domestic or sexual violence. [72848]

The Attorney-General: I have not had a recent discussion with the Director of Public Prosecutions in relation to domestic and sexual violence. However, I support the continuing work of the Crown Prosecution Service to improve prosecutions in that area and to support victims of crime.

Kate Green: Last month, I met Change, a user-led organisation of people with learning disabilities, which highlighted the extent of domestic abuse against people with learning disabilities. Will the Attorney-General tell me what steps the Government are taking to ensure that such victims are properly catered for in criminal proceedings, and what discussions he is having with colleagues across the Government to ensure that such vulnerable victims are properly looked after?

The Attorney-General: The hon. Lady is right to highlight this matter. A great deal is done by the CPS in multi-agency working at a national level to try to ensure that there is good support for victims who come forward in such a setting. If the hon. Lady wishes me to write to her with further details on the specific instances that she raises, I will be most happy to do so. However, from my discussions with the Director of Public Prosecutions, I have been left with a sense of confidence that there is a full understanding of the difficulties raised by such cases, that the CPS will do its utmost to ensure that justice is done and that prosecutions are brought wherever possible, and that the victim is supported during the process.